

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JANUARY 12, 2001, 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, January 12, 2001.

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**II. INVOCATION**

Commissioner Martin Jackel 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 Jeffrey D. Rayno, District One Joe Murray Rivers, District Two Martin S. Jackel, District Three Harris Odell, Jr., District Five David M. Gellatly, District Six B. Dean Kicklighter, 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 Hair said, we have two of our Youth Commissioners with us today. We have Justin Heddleson, who's a Senior at Groves High School, and we have Amro Idris, who's a Junior at Windsor Forest High School. We're glad to have you here and as we proceed with the meeting, if you want to make a comment or ask a question, raise your hand and I'll recognize you.

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## **WELCOME TO NEW COMMISSIONERS**

Chairman Hair said, as we begin today, I would like to officially welcome our three new Commissioners, Commissioner Rayno, Commissioner Gellatly and Commissioner Kicklighter. We're really looking forward to working with you as we try to do the people's business.

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## **V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

### **1. PRESENTATION BY MR. EDWARD G. MILLER ON STATUS OF WESTSIDE URBAN HEALTH CENTER SERVICES AND CONTRACT WITH THE COUNTY.**

Chairman Hair said, the first thing on our agenda today is a presentation by Mr. Ed Miller on the status of the Westside Urban Health Center services and contract with the County. Chairman Hair recognized Mr. Miller.

Mr. Edward Miller said, good morning, Mr. Chairman, Dr. Thomas, other Commissioners, good morning. I came this morning personally to meet the new Commissioners and to reestablish our commitment and our interest with the Commission on those things that we are doing together. What I wanted to do is thank you very much and to introduce two of my staff members: Ms. Linda Davis, who is the Clinical Director, and Mr. Dan Rafferty, who is the CFO. What I want to do simply is for the new Commissioners to just give a brief history of Westside and our structure. Westside Urban Health Center was founded in 1974. We structurally are a not-for-profit organization. We are federally funded. By federally funded we are eligible for Federal Tort Claims Act provisions, medicare patient deductible waivers, and we are also eligible for 340-B drug pricing. We serve all patients regardless of their ability to pay. We're on a sliding fee scale based on the poverty guidelines. We have offices in three locations: the Roberts Street in Garden City, the York Street across from this building, and in the Hitch Village public housing area. We sent you a letter earlier and we withdrew that letter and that withdrawal was based on our meetings with Mr. Abolt and staff and telling us that there was not money available. If there is not money available, we then know that there's no reason to make a request. The request was made simply because pharmaceutical costs and usage were up. We lost quite a bit of the Medicaid patients, that is because of a new ruling, and the malpractice premiums or gap insurance that we have has also increased. So for these reasons we made the request and when we were informed of what the situation was, we withdrew the request. We want to thank the Commission for assisting us with the funding so that we can deliver cost-effective, comprehensive primary health care services to the citizens of Chatham County. The combination of federal and County funding has permitted many patients access to health care that has helped keep this —, or keep them healthy, and they are not having the problems of large or severe complications that they would have if they did not get that initial help. So with this I want to thank you and if there are questions, we will happy to try and answer them for you.

Chairman Hair said, thank you, Mr. Miller. I think we appreciate the relationship we have had in the past and —. Does anybody have any questions for Mr. Miller? I appreciate that update and we look forward to working with you. Mr. Miller said, thank you.

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### **2. CONCERN OF MR. CLAYTON BOYKIN ON REQUIREMENT FOR PROPERTY OWNER TO PAY FOR DRAINAGE PIPE TO ENCLOSE DITCH ADJOINING HIS PROPERTY.**

Chairman Hair said, before I call on Mr. Boykin, I am personally familiar with this. When Mr. Boykin called me about this property some months ago, I went out to his property. I've been out to his property on two separate occasions. I walked the ditches myself. Staff's been out there as well, so we have a pretty good feel for the situation, and I think Mr. Boykin does have a unique situation out there that's not the typical situation of two adjoining property owners. So, Mr. Boykin, at this time I'd like for you to come forward.

Mr. Clayton Boykin said, good morning, Commissioners. Chairman Hair said, good morning. Mr. Boykin said, Chairman Hair, as you stated, you know, y'all are very familiar with my situation, and my understanding is that the County would be willing to correct this ditch problem that I have as long as I would pay for the material, the culvert, and I just don't feel like I've created this monster and I don't understand why I should have to pay for that. So that's pretty much it in a nutshell.

Chairman Hair said, if I could —, and then I'll call on staff to give their interpretation. The situation is that Mr. Boykin has a ditch that runs between his property and his neighbor's property, and that ditch connects into a bigger ditch that is not individual property, it's our ditch I believe I'm correct on that, and so this —, it's more than just these two property owners because this ditch flows into the bigger ditch, and what happens is because there is not a culvert there it fills up and backs water up and floods these yards because it cannot drain into the bigger ditch, and the only way our staff has said the only

way to fix it is to put a culvert in there. So the issue is, as Mr. Boykin stated, is whether not we would pay for the pipe or he would pay for the pipe. So, Russ [Abolt], would you like to add anything?

County Manager Abolt said, thank you, Chairman, Dr. Thomas, gentlemen. Yes, staff had a very informative and pleasant visit with Mr. Boykin on the site. We are very strong in our opposition, which he understands, not because the situation certainly doesn't warrant attention, but for the precedent it would set. As Mr. Boykin indicated, we have had a reasonably successful program for many, many years wherein if there are problems associated with an individual property or adjoining properties, the County might come in and install a ditch, a covered —, excuse me, a culvert, which could be covered up. I think you can all appreciate in general having a ditch that is enclosed through a pipe and from the standpoint of extending the benefit to adjoining property owners of land in the past would become a swale or depression and they could not use it. The policy has been, again for many, many years, certainly as long as I've been here, that if the property owner is willing to pay for the pipe, then the taxpayer pays for the cost of installation. In the staff report which you have here, we estimate that the materials would be about \$1,600 and that the labor, the cost to install it is about \$2,500. The amount of money certainly that's requested to be forgiven of \$1,600 is not significant. Our concern is for the precedent, and you'll see in the staff report, that Mr. Drewry reports that we've piped in 44 ditches equating to about 4,630 feet of pipe, so if the Board were to consider this in a favorable position, we would ask for some description as to why this might in your minds be different than the other several property owners in which we've charged for the same service.

Chairman Hair said, what I —, and I appreciate that concern. I do think, and I'll recognize Commissioner Murray in just a moment, but I —, what I would recommend to my fellow Commissioners is that we give the particulars to the County Attorney and that if the County Attorney can determine this is truly an exception and it will not establish a precedent, that we proceed with paying for the materials, and if it's not an exception then we would not pay. So I think if we could give the particulars to the Attorney and let him make the ruling as to whether or not it would be a true exception, that would be my recommendation. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I understand the policy and I understand what Russ [Abolt] was saying, and I can certainly respect that because we've had several people down in the Islands area that have come up, but their situation was different. Theirs was they had the drainage ditch in the front yard or the side yard and they wanted it done for cosmetic reasons. Yours from what I understand is not that situation. Mr. Boykin said, no sir. Commissioner Murray said, it has created a nuisance and I would agree that the County Attorney should look at it and if he can determine how we can do that under that, then I would certainly support it. This does sound like something that's totally different than what we normally look at in enclosing ditches, but —. Chairman Hair said, I can tell you again from personal experience this is different. It also creates a lot of standing water which, you know, causes mosquito problems and those kinds of things as well, and stands for quite some time out there. Commissioner Murray said, Billy [Hair], I also think that if he can come up with a way that he's going to have to word it also where we don't have all these people come back for cosmetic reasons. Chairman Hair said, exactly. I think it has to be a —. Commissioner Murray said, to get theirs closed in, so we've got to spell that out some way. County Attorney Hart asked, does this ditch connect to another County ditch? Chairman Hair said, yes, it does. Commissioner Murray said, yes, it does. Chairman Hair said, a huge ditch. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, well, there are several of us that not too long ago went through a political campaign, and the significance of that is that people that are seated to my left and to my right here went door to door throughout their district. My district is mostly in the City and some of it's in the City of Thunderbolt, but there is a good bit that's in unincorporated County, and it is still fresh on my mind how many of these ditches are out there. There's an awful lot of them out there, and I often got complaints from people about water standing in their yard, this, that and the other. I'm very concerned that this is a slippery slope we're going to start downhill. I think, Dave [Gellatly] and Commissioner Kicklighter and Jeffrey [Rayno], do you remember seeing all those when you went door to door, and this would be a drastic change in policy even if we say this is somewhat different. Everyone's got a reason that's somewhat different, and then someone when I was going door to door I got a complaint from someone the ditch was three yards down from their house, but they were complaining that sometimes the water came on theirs, so you can't count on my vote from what I've seen. I think we've got a reasonable policy. I mean, that was on that property when you bought that property. It wasn't something that was created —. Mr. Boykin said, that's not correct. Commissioner Jackel asked, it's not? It was created after you —? Mr. Boykin said, that's correct. Commissioner Jackel asked, it was created afterwards? Mr. Boykin said, that's right. When they paved the street is when this particular ditch was dug. Chairman Hair said, that is correct. Commissioner Jackel said, well, there still had to be a flow, so I'm just very concerned about it. I think it is a reasonable policy that we split it that way, and that's the way —, unless there's something else [inaudible].

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, just before I speak I want you to know that my house flooded because of the drainage ditches behind my house. There's two conversion ditches. If we have one of those hundred year storms, the house is going to flood again so I can appreciate your concern; however, I don't know if you're aware or not, but we only have one Jet Vac system in the County, which means that's the system that goes in and cleans all the closed ditches. We don't have seven or eight or nine like the City does, so every ditch that we enclose needs to have a Jet Vac at some time come and clean it out. That being said, there needs to be some way to pay for that, and the way that's paid for is by people paying that price of that pipe going into the ditch, and it covers that expense. The County's Public Works budget has been cut in the past years, it's short on staff, and that's what that money covers when you pay those fees. Again, I sympathize with your problem, but we do set a dangerous precedent. Just because our attorney says it's okay in this case and not in another it doesn't mean that another lawyer can't come along and present a stronger argument in favor of more people getting theirs enclosed with

us with no way to pay for it, and that goes back on other taxpayers. The government cannot be the solution for every single problem that we have.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I'd like to ask Mr. Boykin, do you actually have structural flooding with this problem? Mr. Boykin said, no, but I'm definitely starting to see some erosion, which is really cutting into a garage that I have adjacent to the house and --, so we've been kicking this thing around for two years and I've been promised that, you know, we'd have regular maintenance done, this, that and the other, and it never failed I always have to call back to try to get them out there. You know, they just recently cleaned it out and I can promise you six weeks from now we're going to have the same problem because everything in that subdivision flows to this particular ditch that I'm talking about. Commissioner Kicklighter said, so basically we have a possibility of extreme flooding in that area that could be solved for 16 --. Chairman Hair said, \$1,600. And the other thing too, Commissioner Kicklighter, we have already spent a tremendous amount of staff time. As Mr. Boykin said, we go out there, it erodes, we fix it, and it erodes again and we fix it. This could be a permanent solution that would save us from maintenance down the road. Commissioner Jackel said, we've got to clean that pipe. Commissioner Kicklighter said, I'd just like to state for the record I agree with you, Mr. Chairman. This is a issue of flooding, not a cosmetic issue, and I do not believe at all that we're diving into a big bowl of waste by fixing that actual flooding problem. If it was cosmetic, then this is something we shouldn't do, but in this case if the attorney agrees, I agree [inaudible] support.

Chairman Hair said, I'll entertain a motion to --, basically it will state, as I stated earlier, that we pass it to the County Attorney, he would look at the situation and if it truly is an exception, we would pay it and if it's not an exception, we would not pay it. I'll entertain a motion to that effect.

Commissioner Murray asked, what district is that in? Is that in the Seventh District? Mr. Boykin said, it's Five, I believe. Chairman Hair said, it's Commissioner Odell's --. Mr. Boykin said, Commissioner Odell's. Commissioner Odell said, I think we should absolutely do it. Chairman Hair said, okay.

Commissioner Kicklighter said, Mr. Chairman, I'll put it in the form of the motion --. Commissioner Odell said, and I'll second it. Commissioner Kicklighter said, that we turn this over to our attorney for his research.

Chairman Hair said, all right, we have a motion and a second. Do we have any further discussion? Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, I have an unreadiness, Mr. Chairman. Chairman Hair said, yes sir. Commissioner Rivers said, you made a motion. Chairman Hair said, no, I didn't make a motion. Commissioner Rivers said, well, you --. Chairman Hair said, I recommended a motion. I can't make motions. Commissioner Rivers said, you recommended a motion. I'd like to see that motion stated by whomever, but if we're going to send --. Chairman Hair said, he just stated the motion. Commissioner Rivers said, it back to the attorney, then let it go back to the attorney and then come back before we okay it. Chairman Hair said, he just stated that motion. Commissioner Rivers said, well, I --, maybe I'm a little --. Chairman Hair said, okay. Commissioner Thomas said, that's what he just said.

Chairman Hair said, he made the motion and a second. Any further discussion? All those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Rivers, Murray, Odell, Gellatly, Kicklighter 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. Thank you. Thank you, Mr. Boykin. Mr. Boykin said, thank you.

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

Commissioner Kicklighter moved that the County Attorney review the facts of this issue and make a determination of whether this is truly an exception and will not establish a precedent or whether the work is cosmetic in nature, requiring the homeowner to pay for the materials for the culvert. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Murray, Odell, Gellatly, Kicklighter 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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#### **VI. CHAIRMAN'S ITEMS**

None.

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## **VII. COMMISSIONERS' ITEMS**

### **1. ORGANIZATIONAL ITEMS: ELECT A COMMISSION VICE CHAIRMAN, CHAIRMAN PRO TEM AND CONFIRM THE DAYS AND TIME FOR REGULAR COMMISSION MEETINGS FOR 2001.**

Chairman Hair said, the first thing today, because it's our first meeting of the new four-year cycle, we need to elect a Commission Vice Chairman and a Chairman Pro Tem and confirm the days and time for the regular Commission meetings for 2001. I would like to recommend to my fellow Commissioners that Dr. Priscilla Thomas be renominated for Vice Chairman and Mr. Frank Murray be renominated for Chairman Pro Tem. I think we've had a good four years with these two officers, and I would certainly like to see both of them reelected, and I would open up for discussion or entertain a motion.

Commissioner Odell said, I'll make that motion that Priscilla [Thomas] be Vice Chair and Frank [Murray] be Chairman Pro Tem. Chairman Hair asked, do I have a second. Commissioner Kicklighter said, second. Chairman Hair asked, any further discussion. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. It's unanimous. Thank you very much.

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Mr. Ken Earls said, real quick. Did you accidentally skip setting the time and dates for the meetings?

Chairman Hair said, yes, I did. I appreciate it, Mr. Earls. Thank you very much, sir. We need a motion and a second to confirm the dates and time for regular Commission meetings for 2001. Commissioner Murray said, so moved. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair asked, any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, thank you again, Mr. Earls. I appreciate that.

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

1. Commissioner Odell moved that Commissioner Thomas be appointed Vice Chairman for the next four years and that Commissioner Murray be appointed Chairman Pro Tem for the coming year. Commissioner Kicklighter seconded the motion and it carried unanimously.
2. Commissioner Murray moved to confirm the days and time for regular Commission Meetings for 2001 as follows: Set the time for 9:00 a.m., and set the dates for the second and fourth Fridays in January through March, first and fourth Fridays in April, second and fourth Fridays in May through August, and the first and third Fridays in September through December.

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### **2. PARK SELF-HELP PROGRAM (COMMISSIONER RAYNO).**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I had the privilege from 1989 through 1995 of working in 34 of the City's parks through the Savannah Science Museum and the thing that impressed me most about the parks that I worked in was the fact that the neighbors that lived around the parks took great pride in their park system and if a problem occurred, they wouldn't call government, they would go out there and take care of it themselves a lot of times, whether it was sweeping up glass from a thing that happened in '94, raking leaves, whatever needed to be done in conjunction with some of the things that the City had done, and when I took that idea and compared it to what the County has in their neighborhood parks, I found that our parks have been in serious disrepair for a number of years. Specific examples might be Pinpoint, Georgia, the Montgomery area and also Burnside Island, and this neglect is due in fact to the fact that we have cut Public Works funds because we had to spend money in other areas such as crime, to the court system and more enforcement, and my idea was that perhaps the thing missing from the equation in our unincorporated area is the people power, the fact that we could get the neighborhoods together and engage them in the prospects of being involved in their community and taking action on our own parks, and if they don't want to do this after we've finished with our proposal, I think that we should take this land and turn it back to the tax digest and allow it to be taxable property instead of just sitting there being a problem. But instead of bringing forth a big study program that will cost a lot of dollars, I want to give the people the chance to become proactive in their community. I want to give the fellow Commissioners a chance to go out in the community with this program and say we have an opportunity for you, do you want to participate, and the great thing about this program is the fact that if we start a positive thing in this direction, other things will happen too. If the neighborhood takes an interest in cleaning up their parks, they might start a neighborhood watch program, they might have programs come in from corporate entities that might want to get involved, all this without taxpayer dollars being expended in huge amounts to solve the problem because we could easily pass a thing that said Public Works needs to go in and spend more time in these parks, but the money's not there. So my proposal today is to ask staff to come up with a program where the neighborhoods could put together

a plan, kind of like a business plan, and ask for funds for rakes, garbage bags and things like that, so they could help maintain their own parks and perhaps we might even offer a recreation facilitator who would come along and work with them. So I'd like to pass a motion that we direct staff to come up with a plan along these general guidelines and bring it back for the Commission's consideration at a future date.

Chairman Hair said, we have a motion. Do we have a second? Commissioner Jackel said, I'd just like to make a comment. Chairman Hair asked, do we have a second? Commissioner Murray said, I'll second it. Chairman Hair said, okay, we have a second. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I'm very interested in what you have to say. In one of the neighborhoods that I represent people in the —, in a subdivision lot, little park, some young people took it upon themselves without anyone's permission or anything to build a skateboard rink. Well, no one was that concerned about it at first, although it was an unauthorized construction. Then it became a hangout. They thought there was drug activity going on, there was loud music playing at all kind of hours and everything. Well, the neighbors organized and they said we're going to dismantle this nuisance that's there. The police were called and basically just ran the neighbors off. So we're looking into that now, staff's looking into that now, and we're going to get that area cleaned up, but there certainly is a need for that as proved just in that recent situation that happened in mine, and it just baffles me why that was the reaction of the police instead of encouraging the cleaning up of this nuisance there that attracted people, loud music, cars roaring by, throwing rocks and gravel and sand and all this sort of thing. They told the neighbors they need to go home and just leave it alone, and —, so we didn't get the proper response at that time so I think a program like you're talking about needs to be encouraged instead of discouraged as it was in this particular event and I can support that.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I think it goes a lot deeper than what's been talked about so far. We've had several situations over the years where the citizens in the different communities have come together and supported and raised funds also along with the County funds to make improvements to parks throughout the unincorporated area in a lot of situations, so I think that —, in that report if y'all could include where we've done that and how that was done so everybody could look at that at the same time. The other question I have is we have Commissioners that represent a lot of areas that fall within different municipalities, and can this work or would we have to have an intergovernmental agreement with those municipalities in order to work with them, or is it just going to be for the Special Service District? County Manager Abolt asked, you're asking for —? Commissioner Murray said, yes, I'm asking. County Manager Abolt said, we're still in the creative stages, of course, but it's been my good fortune in another location to have experience that Commissioner Rayno referred to. We can put it together. No doubt it would be subsidized through M&O and we could work something out. A lot of this, as Commissioner Rayno has said so much on point, will depend upon the creativity and the drive and the initiative of the neighbors. It isn't government trying to do something for them, it's government giving —, no pun intended, but giving them tools, giving them opportunities. I have seen it where it goes beyond just the maintenance aspect, and again like Commissioner Rayno said, once you start dealing with something which is obviously a felt need, you get into all sorts of opportunities of great support and services that might be volunteered, might come from other governments that have never been focused on that until we did the little things like rakes and maintenance. A great idea.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I'd like to see also that, Russ [Abolt], that Jon Hart give us an opinion as to if someone builds, say, a skateboard rink on one of our parks, I'd like to know the implications such as if a child is injured on that park how does that affect us and what kind of governmental immunity that we might have for that person's actions, and beyond that, what if they're on our parks in an organized effort cleaning up and they accidentally fall or break something, is that potentially worker's compensation? If not, then why isn't it, or what kinds of things do we need to have as far as waivers prior to the implementation? We have people in our district, we have 11 neighborhood associations and for the most part the parks contained in those areas the neighborhood associations kind of take lead on seeing that it's cleaned up and —, I think it's a good idea. My only concern is that those —, our liability and what implication if someone is working in that effort and they're injured. County Manager Abolt said, we can deal with that. Again, experience has dictated through waivers. There's all sorts of possibilities. For example, contractors might come forward and donate materials, equipment. It has all sorts of potential. It rises or falls based on the initiative, the drive and the tenacity of the neighborhood.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I'd just like to say I think it's an excellent idea. It kind of goes back to the way things are done out on the Westside municipalities. I believe that if we actually had an appropriations committee or allowed the department heads to dispense the funds that this can eventually, as the Manager said, snowball into an effect where we may actually be able to get volunteers to take even a more active role in the Recreation Department so I think it's a good idea.

Commissioner Rayno said, I'd like to see the Youth Commission involved too if we could. That would be a great project for them to take on.

Chairman Hair said, I also think it's a good idea. 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. Thank you.

**ACTION OF THE BOARD:**

Commissioner Rayno moved that staff be directed to come up with a plan along the general guidelines of neighbors working together to maintain their neighborhood parks and the County furnish the equipment, such as rakes, garbage bags, etc., and perhaps offer a recreation facilitator to work with them, and that staff bring it back to the Commission for consideration at a future date. Commissioner Murray seconded the motion and it carried unanimously.

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**3. APPOINTMENT OF CITIZEN COMMITTEE ON DEVELOPMENT ORDINANCES CHANGES (COMMISSIONER MURRAY).**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I'd like to defer this until we get to Individual Items for Action, item number four, when we discuss that. Chairman Hair said, okay.

**ACTION OF THE BOARD:**

Commissioner Murray deferred this item until discussion is had on Item IX-4. [See Item IX-4 below.]

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**4. RESOLUTION AFFECTING CYPRESS NATURAL GAS ALIGNMENT (COMMISSIONER KICKLIGHTER).**

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I'd like to let the Commissioners know and the Chairman know that it's my believe that Cypress Gas Line's current proposal will reduce the value of property in West Chatham County, thus far having a negative economic impact on our entire County. Because of this I'd like to make a motion to approve a resolution that opposes Cypress Gas's current preferred route and supports an alternative route that has the least negative economic impact on Chatham County. Commissioner Murray said, I'll second that. Staff will write that resolution up.

Chairman Hair said, that's correct. I think it's a great idea and this is similar to what Bloomingdale has already done and SEDA's already done. We have a motion and second. Any further discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved that the Board adopt a resolution that it opposes Cypress Natural Gas Company running a pipeline through Bloomingdale which would result in the taking of private property from city residents, the reduction of land values and the raising of safety concerns, but supports working to find an alternative route that has the least impact on Chatham County. Commissioner Murray seconded the motion and it carried unanimously.

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**5. COUNTY ATTORNEY'S OPINION TO MPC ON PUD-BC ZONING (COMMISSIONER MURRAY).**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I've heard a lot of different rumblings about the opinion that was given to MPC and it all involved the property in question about the Target Store. If I'm not mistaken, that particular ordinance states 200,000 square feet of leaseable space. Is that correct? County Attorney Hart said, it's got a chart in there that we indicated that we felt was a guideline status and -, let me see real quick. I think you're right. Commissioner Murray said, in Section 4-6.67 -, I mean, 69, is that the one you're looking -? County Attorney Hart said, yes sir, that is. For a regional store it would over 200,000 square feet, for a community center it would be 45,200. Commissioner Murray said, okay, but -, so, in other words, in the interpretation you're saying it's okay to double that size? County Attorney Hart said, no sir, I'm not, not at all. I'm saying that under the PUD ordinance, that under that Code provision, there -, the PUD ordinance was designed to meet criteria and result in large land plans so that you don't have a large tract of land cut up in small sections, and under the PUD ordinance there are some standards and there's some development guidelines, and the chart in there we have found to be a development guideline. What that provides is to say that if you are -, it has a general description and characteristics of a neighborhood center, general characteristics of a community center, regional center, and it has some size categories

to the right of that, and what we had said in regard to that chart is those are guidelines that the MPC staff would look at to see where they fit. They're not absolutes, and as Commissioner Murray is well aware, the PUD ordinance in and of itself has its own specific variance statute within there, and if you meet the variance, you can modify that. So what I'm saying there is that the MPC in looking at a project and looking at the totality of the development plan can make a determination that if it's a 250,000 square foot building but the characteristics were to meet a community center and the plan was acceptable to them, that they have the ability, if they saw fit, to allow a size larger than 200. They're not absolutes, but that's something that's vested in their discretion. They don't have to. They can make a decision they don't want to do that too.

Commissioner Murray said, I guess, and I'm certainly not an attorney and don't understand all that terminology that's used sometimes when attorneys speak, but --. Commissioner Odell said, I'll explain it to you. Commissioner Murray said, well, no, I don't want you to explain it to me. Chairman Hair said, for a small fee, of course. Commissioner Murray said, my concern with this, and I served on the MPC for three years before I was elected to the Commission, and so I do understand the zoning, but my understanding with this particular zoning is that they've always used that 200,000 square feet and, yes, it's been able to vary a little bit over, a little bit below, but not doubling that size over the years. County Attorney Hart said, well, I've never expressed an opinion, I've been very careful about what the MPC ought to do in regard to that particular development. If they choose one way or the other, that's up to them because that's the people that were set there to make policies. It has to be noted that at the time these developers came in and zoned that property into that configuration, go back and look at the MPC minutes of that, discussion was had at that time that the development size was going to be in excess of 350,000 square feet, which was outside the development --, out the guidelines at the time they zoned. So that's --. Commissioner Murray said, I know that I can't go tell MPC meetings --, members how they should vote on different issues that come up, but I would like to go on record stating that my belief is that if --, that they should turn this particular zoning down. If the developer is going to do a different zoning, they should come back and go through a rezoning process for that property. My feeling is that it's wrong to do it that way. I know I can't tell them how to vote and I'm not trying to, but I just want my feelings to be known on it, and that's not in my district, but most of the people it's affecting are in my district. It's right on the line, it's right on the line with the City and the unincorporated areas also, and it's just --, that issue will not come back to the Chatham County Commission unless it goes through a rezoning process is the way I understand it. County Attorney Hart said, that is correct.

Chairman Hair said, I'll recognize Mr. Blackburn and then Dr. Thomas --, let me get Dr. Thomas first. Dr. Thomas said, [inaudible]. Chairman Hair said, we're going to recognize everybody that wants to speak. Everybody will get an opportunity. Chairman Hair recognized Mr. Blackburn.

Mr. Jay Blackburn said, we appreciate Commissioner Murray bringing this issue up, and we believe that if the Commission were to pass a resolution to indicate the legislative intent of this ordinance, that would help the Planning Commission in its deliberations. Needless to say, as Mr. Odell will tell you, if you get three different lawyers, you're going to get three different opinions. Commissioner Murray said, we've got four in here right now that I know of. Mr. Blackburn said, we strongly disagree with Mr. Hart's opinion in that we believe that the wording and the punctuation in this ordinance clearly makes these standards. The paragraph starts out, Design Standards, it says then subparagraph 1, Standards for the planned shopping business centers shall be as follows: (a) Planned business centers shall be established according to the following standards: and then it does say shopping center guidelines, but that is under (a) as a standard, and then it goes, after this chart, it goes to (b). Obviously (a), (b), (c), (d) would come under 1, and it's our contention that the colon at the end of the word standards is making this chart standards and that it would need to be a specific variance from that standard that was requested and voted on rather than, oh, you can go beyond that as long as we approve the overall plan. So we would request that the Commission pass a resolution saying what the legislative intent was.

Chairman Hair said, I --, in all due respect, Mr. Blackburn, I would strongly oppose the County Commission passing a resolution trying to dictate to another body what they should do. I think all of us would not appreciate the MPC passing a resolution trying to tell us what our responsibilities are in zoning, so I don't think that it's appropriate for us to pass a resolution to tell them how to interpret the standards of development plans. I think the law is very specific what their responsibility are --, what their responsibility is and what our responsibility is and, therefore, I would oppose any resolution. I think that the MPC has every right under the law to do --, to interpret the way they're supposed to interpret regardless of my personal feelings, but I do not think it would be appropriate and I certainly would oppose any resolution of this Commission that would try to dictate or interpret what the MPC should do. Mr. Blackburn said, Mr. Chairman, and I don't want to --, I'm not trying to argue with you. I don't think we're asking for one trying to dictate to them what to do, just clarifying what the --, what this Commission believes it intended when it wrote and adopted this ordinance. Chairman Hair said, but the truth is, Mr. Blackburn, we don't know what the intention was. I don't know what the intention was when that was passed years and years ago. How am I supposed to go back and be a mind reader and determine what the intention of somebody that wrote something 15 years ago. Chairman Hair recognized Commissioner Jackel. Mr. Blackburn said, I thought the Commission did that all the time. Chairman Hair recognized Commissioner Jackel. Chairman Hair said, well, the new Commission is not going to do that I hope. Commissioner Jackel and then Commissioner Rayno.

Commissioner Jackel said, I don't want to bring up old wounds, but I thought some of you fairly well interfered with the Library and what they were doing, but aside from that I think that's a good point. I mean, we are the elected officials. The buck should stop here. We've got a problem with this development and we need to take the lead if there [inaudible] to take, and I think the statute is fairly clear on its face what it's talking about, and that's the standards we ought to stand up for, and if the paper asks me or if I'm asked to vote for it, I'm going to say that's the way it ought to be so I would like to see us do a resolution and I'd vote for that.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, there's enough questions surrounding the project that if there's any way we can delay it from being voted on by the MPC, I think we should for public hearing sake and because there's just a lot of people that are angry out there about the project being oversized and they feel like it should be scaled back, you know, whether you're talking about the Marsh Point project or whether you're talking about the Target project. My personal feelings have to be set aside for the feelings of my constituents on this issue, but I don't think it would hurt that we at least have an open hearing and more ideas thrown back and forth, and I sense an unwillingness of the developers to at least compromise. There's a willingness on the side of the people that are against it to compromise, but the developers aren't wanting to compromise it seems at this point.

Chairman Hair said, I would suggest that one way to handle this, and the individual Commissioners have heard about this, it's all of our rights to appear before the MPC. You can get on the MPC agenda and you can express your opinion to the MPC, and I think they would welcome you to do that, but I think acting as a body sends a different message, and if individual Commissioners want to appear before the MPC and make their wishes known, that would be [inaudible].

Commissioner Jackel said, I'd like to make that motion. Chairman Hair said, okay, we have a motion. Do we have a motion. Commissioner Jackel said, the motion is that we vote and let the MPC know what the consensus of the Commission is on these guidelines. Chairman Hair asked, what is the consensus? Commissioner Jackel said, well, that's what we're going to vote on. Chairman Hair asked, well, what is your motion? Commissioner Jackel said, that they be interpreted as written and enforced. There's not any clarity, there's not any --, where it says they shall be, that's the way they shall be. Chairman Hair asked, so your motion is for the County Commission to recommend to the MPC. Commissioner Jackel said, that's --, to --, just as we did on the Stephens-Day Bill and just as we've done on all kind of other things. We've expressed the consensus of the Commission --. Chairman Hair asked, it won't carry no weight, it's just a recommendation? Commissioner Jackel said, it's just a recommendation. Commissioner Murray said, I'll second that. Chairman Hair said, Commissioner Odell and then Commissioner Murray.

Commissioner Odell asked, may I ask Martin [Jackel] for more clarification? Commissioner Jackel said, okay. Maybe if Mr. Blackburn could --. Mr. Blackburn said, I might can show Commissioner Odell the ordinance and I think --. Chairman Hair said, well, we just need to --, I don't --. Commissioner Jackel said, we just need --. Give us some better wording you can put in here.

Chairman Hair asked, what is the motion? I need you to state your motion. Commissioner Jackel said, the motion is that we have --, we vote to state that it is the consensus of the County Commission that these are not just guidelines, that they are staff regulations that ought to be enforced. Chairman Hair said, all right. Do I have --, we have a second to that motion. Commissioner Murray said, I second that motion. Chairman Hair said, Commissioner Kicklighter and then Commissioner Murray. I'm sorry, Commissioner Murray first. Commissioner Murray said, let him go ahead.

Commissioner Kicklighter said, Mr. Chairman, I --, again I agree with you. I do not believe it's our place to interpret the ordinance that's set in place. I believe it's our place to actually jump in there and change an ordinance to make it more specific if we need to ever do that, but once the ordinance is in place unfortunately and I know we're against our own good attorneys, but it's in the attorney's hands and I believe this is totally stepped out of our boundaries here and going in the direction that we should not go.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, first of all, just to address Commissioner Kicklighter a little bit, I can agree somewhat with what you're saying, but we're the ones that create the ordinances in most cases, and I think if we create ordinances, even though some were not involved when that one was created, we have a right to interpret those. I also, going along with Commissioner Rayno's comments a minute ago, he's exactly right, I did go to the MPC meeting this past week. Unfortunately, there was another meeting going on in the Westside with the gas line that was supposed to be approved. I stayed for two hours, almost two and a half hours, listening and I didn't see one thing accomplished. I thought the meeting was for both sides to be able to come up and work out some differences and try to have a compromise. That never happened. It was a one-sided meeting in my opinion from the developers and the attorney representing them. So I would support this motion that was made, and if it doesn't pass I hope that the MPC staff and MPC Commission will certainly get the message we're trying to send whether this passes or not.

Chairman Hair said, all right, we have a motion and a second. All those --. Commissioner Odell said, unreadiness. Chairman Hair recognized Mr. Nutting.

Mr. Sid Nutting said, thank you. For the record I'm Sid Nutting and I am here as part of the Southeast Chatham Land Planning Organization, which is a subcommittee of the MPC, as you know. My purpose of addressing you on this issue right now is a little different from what you've been talking about although I think it is within your prerogative, the MPC is your child and they are in the business of carrying out your wishes, not necessarily creating their own, and this ruling puts them in the position of a law maker not a law defender. So --, and I think the County Attorney rationalized logically from facts that existed in the record, but I think that is leaving a situation that puts the MPC in an awkward position that they were really not developed to do. They were, as I understand your charter to them, to bring to you or bring to the public the completion of what you said are your regulations, and they have had and are having a terrible time with this. Now let me just elaborate to say that the problem is that from now on any case that comes up, the petitioner could argue that I don't know why you can't approve mine because you have approved others that were outside of the standard that is printed in the book. Therefore, almost every case would have nothing for the MPC to tie back to. They would be in the fix of trying to decide

on the merits of the argument and the lawyers for each side and not really doing the job that they were there to do; that is, to carry out the regulations. So I hope in making the recommendations that you will to the MPC that you keep that in mind, that they are there trying as volunteers serving you, just as we all are, but they are being asked to do something that they are not empowered to do, and I hope that you will explain that you want them to be there for the job of carrying out these instructions, and don't leave them swinging in the wind.

Chairman Hair said, thank you, Mr. Nutting. Chairman Hair recognized County Attorney Hart.

County Attorney Hart said, yes. I have a great deal of respect for Mr. Nutting and I have a great deal of respect for the time and effort that he's putting in to this situation. It's very important to have community input, but the County Attorney's office must respectfully disagree with their interpretation that this is a standard, and if we make this guideline into a standard, then we have some very serious implications that I'll be glad to discuss in Executive Session in regard to where we stand in regard to our entire PUD ordinance and the implications that will come about by that. Now if this body, deliberative body wishes to make a recommendation, that's up to you folks, but going back some 14 or 15 years after a statute has been founded with three new Commissioners who are sitting on the Commission today to try to determine the legislative intent, which at the time that opinion was rendered a considerable amount of time was spent trying to determine the legislative intent as far as going back through all the minutes of the MPC for the last 14 years, this is not saying that the MPC has to approve that thing or not approve it. That's what they're over there to do. This is not an issue of zoning. That issue was decided 14, 15 years ago when the property was zoned. The issue before the MPC at this time is whether the developer's development plan meets the requirements of the PUD ordinance. If it does not, it is the requirement of the MPC to tell them why it does not meet the requirements, and if they ask for a variance in these guidelines, they have the right to ask that and the MPC has the right to say, yes, based on this development plan for the characteristics involved, we agree. On the other hand, they can make the same argument and the MPC as a deliberative body can make a decision that, no, we do not think this variance should be granted and it's our discretion not to grant it and we're going to hold you to the strict guidelines there. So that issue was subject to about a five or six hour meeting the other day which Commissioner Murray had the privilege of attending a lengthy part of, and that was fairly well discussed with him. If this body makes a recommendation, that's fine, but you need to be aware that there are consequences to your recommendation.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, my only concern is that the current motion as proposed deviates from the legal opinion of our attorney. Is that a fair statement, Jon [Hart]? County Attorney Hart said, well, if you're going to make a recommendation to come up with what the legislative intent is, you get into a lot of difficult interpretation problems. For example, you've got a chart that if you go back and look at that chart, it's in a different italics and print form than the ordinance itself, and I think a fair reading of that was that that chart was inserted at some point subsequent to the drafting of the original ordinance, and if you're going to say that that subsection (a) provision is going to be a standard, okay, then you go down and you look at that provision and you say what's within that standard, and it's pretty narrow and vague, and then my question is what about all the use provisions that are already permitted under the PUD for a (b) or a (c)? Which controls, this standard or the permitted use standards, and you're right by yourself being uncertain as to what that is. Commissioner Odell said, I guess my question still is that the motion as offered that we'll have to vote on is a deviation from your legal opinion and your position as County Attorney. County Attorney Hart said, yes, the position of the County Attorney's office is that that is a guideline. Commissioner Odell said, you know -. County Attorney Hart said, now if this Commission wants to pass and say their recommendation is so and so, that is perfectly within your elected right to do. Commissioner Odell said, you know, we had a recommendation from the Commissioner Rayno earlier, and I've gotten a lot of calls from people at Pinpoint [inaudible] and clients and friends out there, and they are extremely upset about the project [inaudible], and I share their concern, but I'm not certain if what we're doing helps. It might solve in a minute way this project, but I think it opens so many other Pandora's boxes that I'm not certain that we want to travel down that road, and my sense is that if we do, then any time that there's a dispute and -, I'm not willing to give legislative intent because once the ordinance is passed and it's in plain language, then the words mean what they mean. Now if we were called upon to make a legislative intent, the impact of that is that a five vote determine at that juncture in time what the legislative intent is. That could change by election. If we had taken it into [inaudible] than it would be now. I'm not certain if we want to travel down that road. I'm concerned about the project. I'm also concerned that we have a County Attorney that we pay him and his staff for their legal opinion, and I'd like to have a reason that we should deviate from his opinion. This is not an easy one to decide who is [inaudible].

Chairman Hair said, he's still got the floor. Everybody will have a chance to speak.

Commissioner Odell said, I make no determination as to whether or not the project is right or wrong. Obviously, you and Jay [Blackburn] have more experience in determining the intent and the simple meaning of the ordinance, but I am concerned that the motion as proposed would deviate from the recommendation of our staff, and I [inaudible] a reason to. I think Martin [Jackel] is going to [inaudible].

Chairman Hair said, okay, let's get -, I want to again recognize -, let me get the lady that has not spoke first and then we will -. Everybody will -. Commissioner Jackel said, I'd like to respond while his comments are fresh, if you will allow me to. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, first of all, as a professor of mine at Emory said, anyone can write and be understood, but it takes a genius to write and not be misunderstood. I don't think the language in this statute is crystal clear. It is not my intent at all to interpret the legislative intent when this statute was drafted. The purpose of my motion is a very simple one: to let

the MPC know what the consensus of the Commission is not, not what the original intent was when someone drafted this rather complex statute, and in doing so I'm saying that this is what it says. I'm not saying they can't find exceptions, because the exceptions are a different issue. Certainly they should have the right, as the statute provides, to find exceptions, but unless they find an exception, they need to stick with what the statute says, and that's what I understood my motion to be. It didn't bar them from finding exceptions because there are exceptions to everything. We —, earlier this morning said this guy that wants his ditch piped in and paid for by the County is an exception. We had a rule that said we don't do it that way, but y'all said fine, it's an exception. Well, I understand exceptions. Commissioner Odell said, it's in the Fifth District. Commissioner Jackel said, right. Well, that's true too. So my motion is not legislative intent, not to bar any exceptions, but to say that unless there are exceptions, the statute ought to be enforced, and that's what we ask of all groups, that they enforce the statute unless there's some particular reason not to, and I think that ought to be our consensus because that's what we tell everybody. Commissioner Odell said, and unless there's an exception. Commissioner Jackel said, and they need to make a specific finding that there is an exception. Now if they can do that, then that's fine. Does that clarify it? Commissioner Odell said, I'm only one vote, Martin [Jackel]. I'll vote big.

Vice Chairman Thomas asked, are you through, Commissioner Jackel? Commissioner Jackel said, yes mam. Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, if I may, and I mean absolutely no disrespect, but my interpretation of what you just said then basically would mean that we don't need the motion passed, that that's what they're already there to do what you just said, and that's not even giving them guidance one way or the other if that's the way you just explained then, so it's kind of a moot —, I mean, that's what they're there to do anyway. So —.

Vice Chairman Thomas said, please state your name for the record.

Ms. Joyce Murlless said, I'm Joyce Murlless. I'm a member of the Citizens for Land Use Planning. Certainly, the MPC —.

Commissioner Murray said, excuse me. Are y'all still working on that [sound system] so it can't be turned up any right now, because I can barely hear here? Ms. Murlless asked, should I speak up? Commissioner Kicklighter said, please. Commissioner Odell said, yes, please speak up.

Ms. Murlless said, I'm Joyce Murlless. I'm serving on the MPC Land Use Planning Committee. I'm a resident of the Southeast Chatham County area, and I just wanted to point out that Mr. Hart's decision on this, or his interpretation that has been presented ends with the sentence: The foregoing legal opinion is limited to the unique and fact-specific pattern presented in the subject project. In other words, I don't believe that, if that sentence is accurate, that he has actually interpreted the whole —, or interpreted the zoning code, a section of the zoning code for further or least he certainly didn't intend to forever, and I would like to mention that the MPC seems to —, I think they would benefit from and I think they would gratefully accept some guidance from this Commission to give them a little more reason and a little more continuity and interpretation of the codes. This code has been —, that section of the code has been in the code book for at least six years that I know of. That's when I started reading the code book more thoroughly, and it has certainly been used and enforced, and I think an opinion that purports to change that code only for this specific instance is a dangerous and, as people were saying earlier, a slippery slope. In fact, if I may, I'd like to quote Mr. Rayno when he was talking about the drainage project earlier. He said, I hope I've got these words down exactly as you've said them: just because the County Attorney says this decision today could be limited to this one case doesn't mean another lawyer wouldn't come along and make a stronger argument that it should apply to them, and I think that also applies in this case and I would urge the Commission to support this motion before them. Thank you.

Chairman Hair said, Commissioner Murray and then Commissioner Kicklighter and then I'll [inaudible].

Commissioner Murray said, yes, some of the things I was going to say I'm going to wait until we get back into the issue about setting up this committee, but I did want to address something Commissioner Odell said, and that was that if we approve this motion we'd be going against the County Attorney's opinion, legal opinion. Is that what you said? Commissioner Odell said, yes. Commissioner Murray said, and that we shouldn't do that basically, but I have seen several times when you have disagreed with the County Attorney's legal opinion, you being an attorney, and thought it should have been another way, and so what's the difference with this one versus that? Commissioner Odell said, I have no opinion on this. Commissioner Murray said, that's right, it's not in the Fifth District, okay.

Chairman Hair said, Commissioner Kicklighter and then Mr. Nutting and then Mr. Blackburn. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I'd just like to say, Mr. Chairman, I truly feel for the people at the MPC. It's a tough issue. Everybody's upset, but we have to understand that we up here do not change zoning ordinances once the ball is rolling. Just legally we can't do it. We're aware, definitely aware of grandfather clauses, everything else, and there's no way legally we can change a zoning ordinance once the ball is rolling. Now, if I was the MPC I would present, as soon as this matter's over, something to the Chairman of the Commission here to actually put something in place, a zoning ordinance that's definite where you never have this problem again, but at this point there's no way legally for us to change that zoning ordinance once that ball is rolling, and again I feel for you. That's a tough topic and, yes, I'm —, to be quite honest, I'm glad we don't even have to do it, but I'm sorry for that and I'm sorry we can't help you on this one, but there's no way legally for us to help out and change that zoning.

Chairman Hair said, Mr. Nutting and then Mr. Blackburn and then I think it's time to vote. I think we've said what we need to say.

Mr. Nutting said, I think the County Attorney had his hand up too. Would you like to –?

County Attorney Hart said, yes. It was just a follow-up on Mr. Kicklighter's point that I would like the Commission to understand that we have a current pending application before the MPC for the approval or non-approval of a project under the current act. Commissioner Murray said, but this is not trying to change an ordinance. This motion does not change an ordinance. County Attorney Hart said, okay. That's all I have to say.

Mr. Nutting said, that was the point I wanted to make. We're not asking that the ordinance be changed. As a matter of fact, we think it ought to be sustained, and I just wanted to bring to your attention that this chart that is the guideline that the MPC, the standard that the MPC has to work with has three columns. One is the type, which is just a definition of the neighborhood, community or regional, and it has the size issue, 45,000 and below, 45,000 to 200,000, and 200 [sic] and above. Those are the three characteristics and those are hard facts. The name certainly is and I submit the MPC must have some tool with which to categorize where these projects belong. The 45,000 and less project belongs in the neighborhood column. Those are two facts that are not argued. The thing that is a guideline in this issue it seems to us, and is probably necessary and was created as necessary is that it is virtually impossible to list all the kinds of businesses that may come along down the pike, so they give you a choice based on businesses of each type. The first one is a sale of convenience goods, personal services such as supermarkets, drug stores, sundries and offices. So they are –, those are descriptive of the types, but many neighborhood centers over many years have been different from those particular stores. So that column is the one that we believe is the guideline and must be a guideline for the MPC to have anything to work with. The second one is neighborhood shopping plus junior department stores, variety stores, application and peril stores, usually ten or more stores. Those are words that give in themselves the guideline definition that they are the kinds of things that the MPC can go by. So I think it's the middle column if anything that is a guideline, but the MPC for all sorts of reasons has to have this square footage thing. The square footage is creates the standard on parking. It is how infinite, strangely, it is how sewage in this County is determined: by the square footage. Forget what goes in it in the square footage, but just the square footage. So they need to have the footage determined that determines the type of business and that then refers them to the guidelines of the types of business that would fit in there. The last thing I'd like to mention to you is that this would be unprecedented, and it would create the situation where from now on the MPC would be faced with and certainly there would be lawsuits because you made an exception somewhere up in the past and that was brought up as an example and you turned us down, and they would be up here with a lawsuit. I would, you would, anybody would that had a project they wanted to sell. So I think you're –, you want them to stick to the law and you were right that you can't change the law in midstream, but the question is what is the law? The law in this case is curious at least in this particular table, and I'm asking you to give the MPC the guideline from you, or the instruction from you would be better, as to how to interpret this. If you can't go back, you are here today. You can create today and send them what the new rules are so far as this area of their work. So that is our plea. Not just –, we're not trying to change the zoning. The zoning is, in fact, probably very appropriate if you follow these figures. Thank you.

Chairman Hair said, thank you, Mr. Nutting. I would –, before I recognize Mr. Blackburn I would point out one thing. It's been said several times by several people that you can get five lawyers to interpret five different ways. Well, I can also get 20 citizens to interpret 20 different ways too. So there's a different interpretation on both sides, it's not just the lawyer's side. I could bring 20 citizens up here today that are in favor of the project and they would interpret the guidelines different than those who are opposed to the project. That's my point. Chairman Hair said, Mr. Blackburn and then Commissioner Kicklighter.

Mr. Jay Blackburn said, I'll try to keep it short, Mr. Chairman. Chairman Hair said, I appreciate that. Mr. Blackburn said, it's difficult for a lawyer to do that though. Chairman Hair said, I understand. You're paid by the hour, so I understand. Mr. Blackburn said, a couple of things. I believe that the MPC always treated this as a standard until Mr. Hart issued his opinion, and I believe that his opinion was sought by this developer because the developer had a project that had a larger square footage. County Attorney Hart said, that is absolutely not true. That is false. That request came from the MPC staff because of their concern about what that development guideline was. That is the facts. Mr. Blackburn said, but I do believe that it has always been interpreted as a standard, and I would also point out that originally the ordinance had one PUD-B district, that all planned unit development business fit into. Some years ago it was decided that the PUD-B needed to be further designated so that some PUD-B's were designated as neighborhood business, some as community business, and some as regional business. It was at that point that this chart was added to help determine which of those three areas of PUD-B it would fit into, and it was added as a standard, and all we're asking is that it just be treated as a standard like it has always been in the past.

Chairman Hair said, thank you, Mr. Blackburn. I recognize Commissioner Kicklighter and then I think it's time to vote.

Commissioner Kicklighter said, Mr. Chairman, I'd just like to liken this whole situation to a recent presidential election we had down in Florida. Unfortunately, here we're in the same type position where the Florida legislators passed a law, a law about elections, and once that election took place it was left up to the attorneys to interpret what the law the State put in place. In this case the County Commissioners enacted a zoning ordinance. It's not the County's responsibility, not the Commissioners' responsibility or duties or really [inaudible] seem legal at all to interpret what they passed back then, and just like in the State of Florida, coming up they can reexamine their election laws and do what they need to to correct the problem. After this, this can come back to us and we can reexamine our zoning ordinance and correct it if needed, but we can't change anything in midstream because it's already in place.

Chairman Hair said, Mrs. Stone and then anyone else that wants to speak we'll recognize them.

Ms. Helen Stone said, I'm Helen Stone with the MPC. I do think that this does put us in a unique position of setting some type of a precedent, and I speak only for myself today, not obviously not as the Commission, the whole Commission, or as not speaking for the staff either. I just had a concern that once we allow this, we are opening a Pandora's box for future development. It also brings up an issue that I hope each and every one of you will consider, and that is that our ordinances that we're dealing with now really need to be readdressed and updated, and I believe that each of you today has an invitation to a workshop that the MPC is going to sponsor about taking a look at our ordinances and where we need to go with them. I don't think they've been updated for 25 or 30 years and perhaps we wouldn't be in this position today if we could take a look at them and get some direction. The MPC staff, as well as the Commission, is looking for some guidance from Georgia Tech. I have been in touch with their Planning Department there, and I really do encourage each of you to come to this workshop on the 23<sup>rd</sup>. Thank you.

Chairman Hair said, thank you, Ms. Stone. Thank you. I'll recognize the gentleman.

Mr. James Miller said, yes, just listening and I'm no attorney, my name is James Miller. I'm with the Sandfly Betterment Association, and just reading what I've seen from the attorneys here, it states here that the requested space is 450,000 square feet, leaseable, and it also states here, and this is to Mr. Kicklighter, that the zoning allows for a maximum of 200,000 net leaseable square feet. If they stick to what you're saying, then they cannot and they should not approve this with no exception. Thank you.

Chairman Hair said, thank you, Mr. Miller. Anyone else want to speak?

Mr. Blackburn said, Mr. Chairman. Chairman Hair said, I thought you said you were through. Mr. Blackburn said, I did and I—, because of Mr. Hart's reaction I felt that I needed to say something. Chairman Hair said, the clock's still running, right. Mr. Blackburn said, I did not mean to imply that the developer went around the process and went to Mr. Hart. Chairman Hair said, that's what you said. Mr. Blackburn said, well, I did not —, I misspoke then, and I did not mean to imply that they went around the process. What I was trying to say was it was this developer's request that the —, that it be treated as something other than a standard that was what brought about the request for an opinion. I didn't mean to imply anything that would indicate that Mr. Hart had been called upon in some way other than the appropriate manner.

Chairman Hair said, I appreciate that clarification. All right. No one else —. We have a motion and a second. All those in favor vote yes. Commissioner Odell asked, can we restate the motion? Chairman Hair said, okay. Restate the motion please.

Commissioner Jackel said, the motion is that we express the consensus of the Commission that the things in the ordinance are a standard and that doesn't preclude them from finding a deviation of the appropriate provisions. Chairman Hair said, and we had a second. All those in favor of the motion vote yes, opposed vote no. Commissioner Rayno, Commissioner Jackel, Commissioner Murray and Commissioner Gellatly voted in favor of the motion. Chairman Hair and Commissioners Rivers, Odell, Kicklighter and Thomas voted in opposition. The motion **failed** by a vote of five to four. Chairman Hair said, the motion fails. Okay, thank you very much.

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

Commissioner Jackel moved that the Board adopt a resolution stating that it is the consensus of the Commission that the provisions of the ordinance are a standard and that does not preclude the MPC from finding a deviation. Commissioner Murray seconded the motion. Commissioner Rayno, Commissioner Jackel, Commissioner Murray and Commissioner Gellatly voted in favor of the motion. Chairman Hair and Commissioners Rivers, Odell, Kicklighter and Thomas voted in opposition. The motion **failed** by a vote of five to four.

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#### **CHATHAM AREA TRANSIT AUTHORITY**

The Board recessed as the County Commission at 10:12 a.m., and reconvened as the Chatham Area Transit Authority.

The Chatham Area Transit Authority was adjourned and the Board reconvened as the County Commission at 10:25 a.m.

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**VIII. TABLED/POSTPONED ITEMS**

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



**1. REVISIONS TO THE SOLID WASTE/RECYCLING ORDINANCE. Tabled at meeting of December 1, 2000. Note: Staff recommends this remain on the table until the 26<sup>th</sup> of January allowing a workshop to take place during the meeting of the 12<sup>th</sup> of January.**

Chairman Hair said, staff has requested the revisions to the Solid Waste Ordinance not be done until January 26<sup>th</sup>. Under #3 under Individual Actions, there was going to be some discussion of it, and my suggestion would be, and the County Manager brought up this morning, since we have three new Commissioners, I think it would be more appropriate for them to be briefed individually on this issue and then we have a full-blown discussion on the 26<sup>th</sup>. That way I think everybody would be up to speed and, otherwise, what we do today would just be a duplication of what we're going to do on the 26<sup>th</sup> and I think you would be in a better position to ask questions, and so since the staff has recommended that we leave that on the table till to 26<sup>th</sup>, I'm also going to suggest that we, on Item #3 of Individual, that we just carry that over and in the intervening time staff will brief the three new Commissioners and bring them up to speed.

Commissioner Murray asked, can I say something before it's tabled? Chairman Hair said, well, it's not going to be tabled, it's already tabled. It's just not going to take it off the table. Commissioner Murray asked, well, can I make a statement? Chairman Hair said, certainly, certainly. Commissioner Murray said, this started several months ago and we've got people out here from the waste industry and other people that have been coming up here to every one of these meetings. There are a lot of things in my opinion that haven't been done that should have been done with this. I can tell you right now I'm not going to support it when it comes up for a vote so they can talk all they want to and make all the changes they want to. I'm not going to support it. I know what they're trying to do with it and I know what they're trying to get out of it and it's not going to fly for the people in the unincorporated area of Chatham County, but if they want to leave it on the table again, what's going to happen on the 29<sup>th</sup> [sic], are we going to leave it again for another month? Chairman Hair said, I think the staff –. Commissioner Murray said, every time we have this comes up it's supposed to be voted, the people come to the meeting and they're wearing them out and their time costs money too and I get tired of it. We're going to deal with it in two weeks, now we're going to deal with it in another two weeks, and we're going to deal with it in another two weeks, and it keeps going. Chairman Hair said, well, I understand that concern, Commissioner Murray, but I think in fairness to the new Commissioners and also staff's recommendation, I think it will be more appropriate –, we have a better information if we –, and I agree with you, the 26<sup>th</sup> it needs to be dealt with up or down, and –. Commissioner Murray said, it should have been voted on before the first of the year is what should have happened.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I agree with Commissioner Murray's comments. There's a lot of holes in this ordinance. There's a lot of duplication of restrictions we're placing on the waste haulers, things that the Department of Transportation takes care of, things that the Environmental Protection Division takes care of, and we're putting an undue burden on these people but they're just trying to run a business, okay. You can call it whatever you want, you can call it an ordinance, but it looks to me like new taxes and I'm going to be against it even after the informational thing, and two weeks when I come back here it's not going to change. I'm going to vote no against this ordinance. It's got too many problems.

Chairman Hair asked, can I ask you one thing, staff to do one thing? Make sure, Russ [Abolt], that everybody in this business is notified that the meeting will be held on the 26th, anyone that has any input, questions, suggestions, improvements, whatever. I mean, I share Commissioner Murray's and Commissioner Rayno's. I've got some very serious problems with this ordinance. Commissioner Murray said, also if they'd include the recyclers and have [inaudible]. Chairman Hair said, but everyone, as you and I talked this morning, all the recyclers, anybody who has, you know, any relationship with this industry, make sure everyone is adequately notified that the purpose of the 26th meeting is to do two things: to get their input, get their suggestions, get their questions, and also to put this thing to rest once and for all, and that decision will be made on the 26th. That way we'll –

Commissioner Jackel said, I just would hope that we could all keep an open mind. Staff has done work and let's look at all the information before we make up our minds. Chairman Hair said, well, we —.

Commissioner Murray said, let me just make another comment too. I really resent this E-mail that Dr. Ben Hubby put out. No, excuse me, was it Hubby or Darby? Ben Darby, I'm sorry, had put out stating that this Commission was trying to get something through without the citizens knowing about it. Most of this Commission's opposed to what's going on and that's why it's been tabled.

Chairman Hair said, Commissioner Gellatly and then we'll move on.

Commissioner Gellatly said, I just wanted to make a comment. Don't hold it on my account because I'm ready to make a decision right now.

Commissioner Kicklighter said, I'm also ready to make a decision on it also if somebody wants to pull it off the table.

Chairman Hair asked, well, do you want to make a motion and deal with it now? Commissioner Thomas said, you have a hand up. Chairman Hair said, go ahead. You want to come forward? Come forward and state your name for the record please.

County Attorney Hart said, Mr. Chairman, this is still on the table now. If you want —. Chairman Hair said, we have to take it off, I understand that. We're not —, we're actually discussing the item from Individual Items.

Ms. Carolyn Stewart said, good morning. My name is Carolyn Stewart. I'm the President of ABC Waste of Savannah and I've been up here several times like y'all have said. If it does come off the table I do have something I'd like to share with y'all.

Chairman Hair said, okay. Well, I think —, as we said, I think we can put this thing to rest once and for all on the 26th. Commissioner Rayno said, if we've got the votes here, I'll make a motion to take it off the table. Commissioner Murray and Gellatly said, second. Chairman Hair said, all right, we have a motion to take it off the table. All those in favor of taking it off the table vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes. Okay.

Commissioner Rayno said, I have a motion to vote against this ordinance.

Chairman Hair said, we just asked permission, Mr. Chairman and members of the Board, to make a presentation and I'm not arguing on one particular aspect of the issue other than the fact that at your direction the previous Board particularly had said, you know, do something innovative in recycling. We have, with the permission certainly of the previous Board, spent an awful lot of time on this and have come up with what amounts to a regional program. Certainly your decision will hold and we'll do whatever you tell us to do. I would just hope your decision will be made based on the most current of information which is the result of on-going meetings with many interested people.

Commissioner Murray said, I'll second the motion for purposes of discussion. Chairman Hair said, okay, we have a motion and a second to —, and your motion, Commissioner Rayno, is to defeat the —. Commissioner Rayno said, yes. Chairman Hair said, to deny the ordinance. Okay. Any further discussion?

Commissioner Jackel said, I'd just like to say a couple of things. I don't want it to be said that I'm against recycling. Back in 1992 I ran a recycling program in the Fox Chase neighborhood that lasted for two years, and I'm very pro-recycling. I ran five programs on TV on WUBI concerning recycling in the year of 1994. I'm for private recycling. It works, but when government gets involved in a recycling program they lose money every single time, and where does that money come out of? It comes out of the taxpayers' pockets, but when you go into private programs, scouting groups, benefit from a —, church groups from it, and private organizations that do it make money, but when the government does it, they screw it all up.

Chairman Hair said, well, my concern is the concern that I expressed at the time this came up and, if you remember, we had a video presentation on this, I said that if it were revenue neutral, you know, I could support it, and this is not revenue neutral and so I'm in the same position I was in at the time. Commissioner Kicklighter and then —.

Commissioner Kicklighter said, I'd just like to state for the record, Mr. Chairman, that I oppose it simply because it would cost the taxpayers, the homeowners, an extra dollar a month. I do not oppose recycling, but again I'm not for taxing, in a sense, or putting more —, taking money out of the homeowners' pockets.

Chairman Hair said, all right, we have a motion and a second to deny the ordinance. All those in favor of the motion vote yes —. Commissioner Odell said, restate the —. Chairman Hair said, the motion is —. Commissioner Jackel said, I thought we were going to have a —. Chairman Hair said, Commissioner Rayno —. Commissioner Jackel said, I thought we were going to have a presentation. Commissioner Rayno said, we don't need it. Chairman Hair said, Commissioner Rayno made the motion and Commissioner Kicklighter seconded it, I believe, or Commissioner Gellatly did. Commissioner Murray said, I seconded it. Commissioner Jackel said, I would like to see us have the presentation. Chairman Hair asked, from who? Commissioner Jackel asked, I'm sorry? Chairman Hair asked, from who? Commissioner Jackel said, I thought staff was going to put on a presentation. County Manager Abolt said, it's your call, yes sir, it's at your call. Chairman Hair said, well —. Commissioner Jackel said, I mean, I think the public and we ought to see fully what it is that we're voting up or down on. Chairman Hair asked, does any —, is it the wish of the Commission to hear the full presentation? Is that the wish of the Commission? Commissioner Odell said, I'd like to hear a summarized short version. Chairman Hair said, five minutes.

Mr. Robert Drewry said, good morning, sir, and I —, mam, madam. I appreciate you giving me the opportunity to speak on it. I had about a 10 or 15 minute presentation on it, and I'm really just going to forego what my plans were because I think I hear what the Board is saying, and I accept that. I don't have a problem with that at all, but just to say a couple of things. Number one, staff has been asked to look at a user charge system, and that's what we were trying to do this morning, taking it out of the —, the dependency off the taxpayers, as we told you back in October, and I apologize the new Commissioners aren't familiar with that, but at the presentation in October that was one of our goals was to reduce the dependency on the taxpayers and go toward a more user charge system. That's what we propose to do here, and that would, yes, it would give us more of a revenue to upgrade a recycling program to get it going as we want. I would like to have the opportunity to go back and look at this and see what else we can possibly do. I understand the ordinance is where it's at right now, but there are some things in this ordinance that are housekeeping items that I was going to bring back to you. It's got nothing to do with the proposal that you're debating at this time, so I would like to leave that open if you don't mind. Thank you.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Odell asked, is that the presentation? Commissioner Murray said, he said short. Commissioner Odell asked, was this the presentation? Commissioner Murray said, I'll get it later.

Vice Chairman Thomas said, okay, Mr. Abolt.

County Manager Abolt said, if I may, this does have some standing as far as a series of discussions before the previous County Commission. We're at a little bit of a loss of how detailed you want us to be. This was not —, I know the seated members of the Board realize, this was not a creature of staff. This was based on consensus discussion from the previous County Commission to do something innovative in recycling particularly and do it on a multi-county basis, realizing when it comes to the waste that we pick up in the unincorporated area it really accounts for only eight percent of the total waste in the County's waste stream, and we were about doing that. Where the pitch-point commitment is that we could not make it revenue neutral for many of the same reasons that Mr. Rayno has said. I am not up to date on all the recycling programs nationwide, but it has been a trend that government and area wide recycling programs, particularly when they have to be available for all materials suitable for recycling, have to subsidize if staff cannot come up with the type of Solomoness [phonetic] solution that would make it revenue neutral because in effect we're proving a different program than just picking up dry trash and yard clippings. But we will do what you tell us to do.

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

Commissioner Murray said, the way I understand this ordinance is not just a recycling program. Is that correct? Mr. Drewry said, that is correct. Commissioner Murray said, in other words, what this will do is the County will discontinue picking up dry trash in the unincorporated area. Mr. Drewry said, that is incorrect. Commissioner Murray asked, it is incorrect? Mr. Drewry said, that is incorrect. Commissioner Murray asked, what would you be doing? Mr. Drewry said, we'd continue to provide the same service as we provide today. It does open the door up in the event we want to —, the Commission to just to contract out the bulky items, the once a month pickup. The services that we propose right now will not change. Commissioner Murray asked, but by doing that the people that pay the private haulers would have to pay an increased fee, and then that private hauler would then in turn send X-amount of dollars to the County, is that right? Mr. Drewry said, that is correct. Commissioner Murray said, the private haulers should not be in the collection business for the County, and we should still have the same service for the dry trash pickup that we've always had, and since I've been on this Commission it has been something —. You haven't always been involved in it, so I'm not throwing off on you, but it's always been something that comes up, that's tried to take out, and it's one of the very few services other than police protection that we receive from SSD tax we pay, and I will not support doing away with that period, and I will not support going to private haulers and have them collect money and then pay it back to the County and then charge the citizens out there.

Vice Chairman Thomas said, Commissioner Odell and then Commissioner Rayno.

Commissioner Odell said, Robert [Drewry], can you come back. This ordinance doesn't just deal with recycling? It's a kind of housekeeping ordinance. Is that true. Mr. Drewry said, that's one of the issues in it, yes sir. Commissioner Odell said, and that issue does not eliminate dry trash pickup the way it exists now, the way it existed in December of 2000. It makes no change. Is that also correct? Mr. Drewry said, that is correct. Commissioner Odell said, okay.

Commissioner Murray asked, didn't you say that if y'all decide, you can contract that out to a private hauler? Mr. Drewry said, well, we leave that option open because —. Commissioner Murray asked, and then what's the —, then does that private hauler charge the citizens for going out there and picking that up? Mr. Drewry said, they're charging them now for what they want —, if the citizen decides not to wait for the County to come get it, they will charge the waste —, the waste hauler will pick it up at a fee. Their fees vary considerably. I couldn't begin to tell you what their fees would be, although they could wait until we came to get it. One of the —, the bulky item is —, the bulky item pickup is one of the issues here that really is —, it's concerning me is because we wanted to get out and one of the goals of the program that we presented back on October 6th was moved from a —, the purpose of picking up stuff just to bury because that's gotten very expensive. We're not in the landfill business anymore. We want to pick stuff up and if we're going to pick it up, we want to divert it, we want to move it through some sort of recycling or diversion. Bulky items unfortunately is one of those items when it pick it up very —, you know, probably eventually can be recycled most of it, but otherwise it's got to be buried, and that's why we looked at the bulky items because that cost is very expensive to pick that material up and put it into a landfill, and that cost is continuing to rise, and we've got a contractual arrangement with the —, with two landfills, and that's an annual contract. It can out quite easily, quite frequently, so what we're trying to do is try to put some sort of handle on the bulky items and that cost the County's having to do for that, and say, okay, if we're going to continue to pick up bulky items, we want it to be funded through some other way other than the taxes. That's what we're looking at.

Commissioner Odell said, Robert [Drewry], and I haven't yielded the floor yet, what is your estimated cost to the consumer, average consumer in the unincorporated area? Mr. Drewry said, if you add up all the services provided to you —, to the unincorporated area, and this is part of the presentation I was going to give, and I can certainly go through this if you'd like me to, out of all the cost of all the services for solid waste —, thank you, Virginia [Lamb] —, on the left column is our services that we provide today, and you see curbside yard waste collection, curbside bulky items collection. We come by once a week and pick up curbside and we come by once a month to pick up the bulky items. Curbside pilot recycling is —, there's no cost, no funding at this time. Drop-off centers, we have three drop-off centers, as you know, Countywide, and we pick up yard waste and bulky. Those are two more services we provide. Yard waste, when we pick up the yard waste we grind it and provide a mulch for the public, and then finally down there drop-off center sites and recycling

education programs. It's limited right now. Pay attention to the last line you see, current revenue source, that's how that's funded today. Solid waste today, solid waste management, my budget is called an enterprise fund, and an enterprise fund, as you probably well know, is a —, is operations that are paid for out of the user —, some sort of a user charge. It's self-sustained, like a business. It's a business enterprise. That's how I'm —. That's what we're called today and that worked well when we had landfills. We had several landfills that we charged tipping fees to commercial haulers and we recouped revenue and that's how we were called an enterprise, solid waste enterprise fund, but in fact what's really happening is that we're funded out of the tax digest. You can see the breakdown. Today rather than being an enterprise fund, as we originally set up, now we're funded out of M&O and SSD tax, about a 60/40 split between the two of them. The cost down there, if you look on the bottom line, our fiscal year cost is \$2.6 million. Very little of that is coming from the special dollar a ton revenue. I hope y'all can see these charts. That's how we're —, that's our reality of the situation. This worked fine when we had landfill and recoup tipping fees and it paid for the funding, but unfortunately this is where we're at. I eventually want to move back into an enterprise fund because that's what we are. There's one of very few in the County and the other one I'm familiar with is water and sewer as an enterprise fund. Bills are sent out, people pay and contribute into an enterprise fund, and that's how it works. It's self-sustained.

Commissioner Odell said, Robert [Drewry], not to cut you off, but to cut you off, I think the general concern is that those who live in the unincorporated areas receive perceptually very little services from the County. There's a concern that there should not be a reduction in the dry trash pickup, number one, and, number two, there should be no increase or hidden cost. Okay? Those are the three primary concerns. I share those concerns, but I don't think that we can solve our problems for the next three to four years by continuing the system of dumping that we do now. I just don't think that we can do that. I don't think —, I think we're going to ride a space and it's a costly way when certain items can be diverted and recycled. So personally I support the concept of recycling, but I think some of my fellow Commissioners is concerned that this is going to cost more and they're going to get less. In addition, you're going to have a private party being a collection service for the County, and they're concerned about that. Rather than to see this die on the vine because there's some other things, I'm not certain if the ordinance has been fully explained by staff to the various Commissioners, you know, so that those concerns can individually be explained and worked through, and I think it would be a tremendous mistake for us to vote this down with the limited information that collectively this Commission has because we might be able to fine tune it and refine it, but we need to have some goals, and that is as a Commission to say either we support recycling or not. You know, landfills are hideous and we've got to get away from that as a community. If we're going to move into 2001 then we're going to have to stop thinking that we have to stop thinking that we have an unlimited amount of land that we can continue to dump and take those spaces off of the tax digest and not recycle. We're going to get into recycling, whether or not we do it now or later. With that I yield.

Chairman Hair said, Commissioner Rayno and then Mr. Pierce and Mr. Earls and then Commissioner Jackel.

Commissioner Rayno asked, Mr. Drewry, doesn't the Department of Transportation at any point in time have the ability to stop a garbage truck, put down portable scales and check the weight of that truck? Mr. Drewry said, that's correct. Commissioner Rayno said, but the ordinance has it written in that the County could do this now, is that not correct? Mr. Drewry said, I don't know about weights. I don't think weights is. It's more of a is the truck sealed, is it liquid, do they stay within the cavity —, the bed of the truck. Commissioner Rayno asked, so they'd be duplicating something the Department of Transportation already does, is that correct? Mr. Drewry said, if they do it at all, yes. Commissioner Rayno said, okay. Also, in the case of Environmental Protection Agency there are certain requirements as to kind of materials that could be dumped into the landfills, is that correct? Mr. Drewry said, each landfill is permitted to accept whatever their permit will allow. Commissioner Rayno said, but under this ordinance the County would have an agency that would be able to make the same requirements and inspections. Is that correct? Mr. Drewry said, not at landfills, no sir. Commissioner Rayno asked, but in the vehicle at any time? Mr. Drewry said, in the vehicle, that's correct. Commissioner Rayno said, so that would be doubling that too. Is that correct? Mr. Drewry said, that's a possibility if they do it at all. Commissioner Rayno said, in the ordinance the County has the opportunity to go on the hauler's property at any point in time and inspect their inventory and any of the stuff there. Mr. Drewry said, that's correct. Commissioner Rayno asked, does that sound reasonable that a government should be able to walk into a business and just start inspecting things because of an ordinance? Mr. Drewry said, well, you know, I'll answer it this way. I hear what you're saying, but I'll answer it this way. This is one alternative that we came up with is licensing arrangement through the waste haulers. It's an acceptable practice. I know several counties in Georgia are already doing that currently. This was one alternative that we —, I'm not saying we have any other alternatives at the time, but that's one plan that we had to recoup some of that user charge. Commissioner Rayno said, okay, on landfill, analysis of a landfill, is it really the residential garbage that causes the largest capacity of a landfill or is it the industrial waste? Mr. Drewry asked, Virginia [Lamb], can you answer that one? Ms. Lamb said, depending on their —, on your individual County split, every place is a little bit different. It's true with recycling that the largest amount of recoverable recycles are usually from the industrial end. It doesn't necessarily hold true with your disposal. It depends on your population split with whether you have the larger population than you did the number of businesses. Bedroom communities will be a fine example of that. Commissioner Rayno asked, but in general if you put it on a scale, the industrial waste would be the largest opponent of any landfill across the nation? Ms. Lamb said, again, that is probably 90% true, but there are exceptions. Commissioner Rayno asked, does this ordinance address industrial waste whatsoever? Ms. Lamb said, no, because that's not the end of the waste business that we happen to be in ourselves. Commissioner Rayno said, okay, thank you.

Mr. Drewry said, just for the matter of record —, excuse me. Virginia Lamb is the Solid Waste Coordinator. I didn't —, I failed to introduce her.

Chairman Hair said, Ms. Stewart, you want to speak, well, I'll get to you in just a moment. Mr. Pierce and then Mr. Earls and then Commissioner Jackel and Ms. Stewart. Come on up, Pic —, Mr. Pierce. Commissioner Jackel said, Piccolo [Pierce]. Chairman Hair said, did you —, come on up. Did you want to speak? You don't want to speak? Okay. All right, thank you. Chairman Hair recognized Mr. Earls.

Mr. Ken Earls said, my name is Ken Earls. One thing that you all are just at the moment concentrating on the cost to the homeowner basically from the County, but after heavy pressure, the ones of you who are here, from Commissioner DeLoach and Chairman Hair, Ms. Lamb had to admit, and I said after a heavy pressure, that the price charged by the private haulers to the homeowner could go up as much as \$15 a month. So keep that in mind also that that would be, say, you know, an extra \$180 a year a homeowner would be paying for his private garbage pickup.

Chairman Hair said, thank you, Mr. Earls. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I have some problems with this ordinance also, but there's —, there are many good things in this ordinance and perhaps we ought to do it in segments. I think the first second, 21-401 and 21-402, that sets out the definitions of everything is what I think, you know, is probably something we can all agree on and would update our ordinances. I think 21-404, Self-Management of Yard Waste in the Unincorporated, is good, and there are —, and certainly the thing about littering in here, I don't know how we could be against the section on littering, so there are certain things in here that I think we all can agree on and maybe we need to take it up on a piecemeal basis rather than just throwing the baby out with the bath water because there are some sections in here just as littering, I think, that we need to move forward on. Just this past weekend my wife and I went to the Longhorn's Restaurant out on the Southside and, you know, just to see the number of bottles that a place like that generates, I understand it's in the City, but no recycling plan for that. We have facilities like that in the County, and there's nothing really being done about recycling, and that I think would be easy and cost effective, and I'm sure there are other things. We just can't say a blanket no to all the good work that's in here. Now what I hear is the complaint about possible increased cost and some individuals paying more. The system we have set up now is it's based upon the cost of your home how much you pay. It's not based upon how much garbage you generate. So if we have a widow in an expensive home that generates almost no garbage, she's paying way out of proportion to what she would have to pay than someone that has a house full of teenagers and is generating all kind of garbage but lives in a less expensive house. Now I think we should all pay our fair share, and I see the ordinance moving toward that, and not just because you own an expensive house you pay more. I think that's moving in the right direction. Those who generate it ought to pay and those who are not —, are generating very little garbage should pay less. That a system that's based on property taxes has that built in inequity of it, so if you have a \$200,000 house and you have a husband and wife and five children in there, you're going to pay the same fee, and when the five children move out, you still pay the same fee. Certainly your garbage has to be less at that time, and I see someone shaking their head there, but that is the current system. It purely comes out of your property taxes. They don't care how much garbage they haul off from your house, you pay the same amount under the current system, and I think it makes sense to move that those that generate it pay. Now there are some problems with their collecting the fees from us, so I think just to say a flat no to this thing would be inappropriate and I do think they are heading in the right direction, and I would ask this Commission to take this up, the legal phrase there is *seriatim*, and make a decision on it. Commissioner Murray asked, do I understand that the two attorneys sitting up here are agreeing with each other? Commissioner Jackel said, Harris [Odell] and I always agree. Always, always.

Chairman Hair asked, are you through, Commissioner Jackel? Commissioner Jackel said, yes. Chairman Hair said, I'll recognize Ms. Stewart. Come forward please. I'll get you, Mr. Drewry. I'm trying to do it in order please.

Ms. Stewart said, good morning. My name is Carolyn Hodges Stewart. I'm President of ABC Waste of Savannah, and I'm nervous. Okay. Chairman Hair said, we seem mean, but we're really nice guys. Ms. Stewart said, I know. Commissioner Odell said, a little bit mean, but —. Chairman Hair said, we have one rose with us other here with the rest of us thorns. Ms. Stewart said, we do have an ordinance already in place on littering and the definitions. Okay, we have several ordinances for the solid waste, okay, and most of it has been carried over. There's just a few —, the ordinance that we really oppose is the one that deals with the private haulers and the recycling program. My mother and father started this business in 1956 and we have been —, we are a locally owned company. I have many concerns about the proposed solid waste ordinance. This ordinance will affect 22,000 in the unincorporated area of Chatham County now served by the private haulers. Based upon present charges for residential service, collection fees will increase approximately 20% or more. It's not just the dollar per month collection on the County, but it's also the bulky items that's so unclear. Monthly collection of bulky items are going to be picked up by the County and the private haulers. This is confusing because I have been made to believe that the County is going to collect the bulky items. However, the ordinance will require private haulers to provide this once a month service to our customers. There are no provisions to accommodate drastic increases in bulky waste if we have a natural disaster. If a tropical storm comes through Chatham County, I may be required to collect storm debris at our regular [inaudible] rate. Procedures to deal with this type of crisis should be clearly spelled out in the ordinance. I will be responsible for collecting a dollar per household per month and the bulky items fee if the County also includes that, which would range from four to five dollars on the customer, and pass the funds on to the County. I must sell this additional share to my customers on behalf of the County, incur additional accounting fees to manage these funds, including bad debts, open my books to the County examiners upon demand, and incur late charges and the potential loss of right to operate in Chatham County if I do not comply. Potential loss to operate in Chatham County. I'm not going anywhere, you guys. This is my home. I was raised in Savannah, Georgia, I'm a local business, and I don't have another business out in California that if I get y'all mad or if I get my customers mad that I can go to. I'm here, okay. In our meeting with the County I was told that the ordinance is just for residential collection; however, there are several references to commercial and industrial service. Until it is clear how the other services may be involved, please remove it from the

ordinance. In summary, there are many things that bother me about this ordinance, like being forced to collect money for Chatham County and rushing an ordinance through government without getting support or involving the key people, the private haulers and the community. What bothers me the most is not being involved in the planning process. Why can't my company be involved in the establishment of a recycling plan? Why should the County only pass off those chores it doesn't want to do anymore? I was told November 16<sup>th</sup> that it would be tabled if we were working to resolve issues, and I thought we were, but November 30<sup>th</sup> without complete draft we were discussing our concerns and the responses were: I will have to check on that, we're going on, it's going in front of y'all for a vote. So this ordinance comes to be voted on without the support of most private haulers and the various associations in Chatham County. I have letters here from The Landings Association and from Georgetown Association that they do not want this passed. I also went to the Georgia Department of Community Affairs and the State of Recycling Coordinating in Atlanta, Georgia, John J. Donnaway, and I have a letter here. Would you like for me to read it, or —? Chairman Hair said, enter it in the record I think will be appropriate. Just give it to the Clerk. Ms. Stewart said, okay. Basically, he says that in recycling is that it can work, but the County cannot do it alone. They're not in the business of collection. We are, and we need to collaborate and have a team approach. I was presented this ordinance on November 16<sup>th</sup>, it came for the first reading on the 17<sup>th</sup>, and it went to be voted on on December 1<sup>st</sup>. I wasn't involved in it. It was put in front of me and said this is the way it's going to be. That's not collaboration. There's a lot of things in this private sector that is not being considered in this ordinance, and I vote, naturally, just to not to have this ordinance in place at all and for us to continue to work on something, but look at all things and make sure that the program on recycling is going to benefit the citizens. Thank you.

Chairman Hair said, thank you, Ms. Stewart. You may have been nervous, but you were very articulate.

Commissioner Jackel asked, can I ask you a question? How long have you been in the business? Chairman Hair said, since '56. Ms. Stewart said, my parents —, 1956. Commissioner Jackel said, okay. And do you have any —, in that time have you had any recycling programs going? Ms. Stewart said, yes sir. Commissioner Jackel asked, are any going on now? Ms. Stewart said, yes sir. Commissioner Jackel said, well, tell me about it. Ms. Stewart said, we have several industrial —. Commissioner Jackel said, not industrial. I want to hear about what we're doing with private —, with the pickup in the County. Ms. Stewart said, okay, well, residential customers, we do have a sliding scale. If a household has —, generates more trash, then they do —, they are charged more. We do ask the customers to please don't put their yard debris in the trash cans because that's for the good of the environment. That is one thing that we can recycle. Also, with the cardboard, to please keep the cardboard out so we can recycle it. To —, for the residential customers who recycle, we have not been able to do that on a large scale yet. It takes educating the community, it takes their support, and, you know, a lot of people just —, with two people working in a family household, both parents, they keep saying that they're trying, how can we do it when, you know, if we don't have the time, so we haven't been so successful with the residential, but on large businesses and commercial businesses, yes, we do some recycling and we do encourage them any way we can. Commissioner Jackel said, now it's my understanding in the unincorporated County, which is what we're talking about here, that they're supposed to put yard clippings out in those paper bags and the County picks that up. Ms. Stewart said, that's correct. Commissioner Jackel said, so you wouldn't be picking that up anyhow if they did what they were supposed to. Is that correct? Ms. Stewart said, that's correct, but a lot of the customers put it in their trash cans because of the cost of the bags. Commissioner Jackel said, well, they shouldn't be doing that. Ms. Stewart said, they say that it's additional cost to them that the County has put on them, and elderly people say that they, you know, they get a lawn person to come in and do their yard lawn care that they put in their trash cans. I'm not going to tell them to take it out. Commissioner Jackel said, okay. And as far as the residential people you serve, you don't really have a recycling program going? Ms. Stewart said, no sir, but I am definitely open to suggestions of recycling. Commissioner Jackel said, okay, so the private sector has not come in and done anything about the recycling yet, but you have plans for it? Ms. Stewart said, there's been several people who have started a recycling program. Boaen Sanitation started a recycling program, and Ms. Alice is here. She could tell you about it. They —, it's very costly to do the recycling program, and the drop-off centers is a good idea, and I think it would work, but there's more research that has to be done on it, a lot more research, and you can't pick one program from Clarke County and bring it to Chatham County when the —, where we're located, the region, you have to transport these goods so far, you know, and you have to store them. There's a lot of planning that has to go into it and I think that the planning should take a year to get the community involved. It's something that we've got to keep reminding and working with the customers as they call in. It's something that's just not going to occur in three months. Commissioner Jackel said, well, I understand that. Where I'm coming from on this is over four years ago I said we could not fill up our landfills with yard waste and I got a lot of laughter about that, oh, we've always done it that way. Well, now we come up with this plan and we're providing free mulch for our citizens, we've cut our tipping fees substantially, the program has really worked for us, and that came out of us. Also, myself and others have been —, pushed for recycling programs, and the County's not there yet, but I don't see the individual private sector there yet either where other people have been doing it 30, 40, 50 years back and, you know, I think it's time for us to do something about it. Maybe we can't do it at every residence, maybe we can just do it at the commercial restaurants and businesses that generate a lot of glass and things, but certainly something needs to be done. We need to somehow move forward with this thing. Ms. Stewart said, yes sir, you're right, but this ordinance does not give us —, does not put us in a recycling plan. It's got a lot of managing issues in it on the private haulers and some of the funds even has to go towards managing the businesses.

Chairman Hair said, Commissioner Rivers and then Youth Commissioner Idris.

Commissioner Rivers said, Ms. Lamb —. Ms. Stewart said, thank you. Chairman Hair said, thank you, Ms. Stewart. Commissioner Rivers said, were not the private entities consulted or put in this [inaudible] —. Ms. Lamb said, yes sir, if you'll take a look in the packet that you were given, there is a listing of all —, since I have been on board, which has been since December of 1997, this has been my goal. We've been working with the private haulers for well over —, well, the first meeting was actually in September of 1998 and we had a waste haulers meeting at the —, with the Chamber of

Commerce at that time. Commissioner Rivers asked, did I understand Ms. Stewart you said you're the President of —. Chairman Hair said, of a private company, ABC Waste. Commissioner Rivers said, okay. If they play a large role and she says that she's only been involved since the ordinance was enacted, it was put together and then they received it, why hasn't she been a part of the planning? Ms. Lamb said, sir, I can't answer. We extended an invitation to all waste haulers that we were aware of that were operating in the community every time we had a meeting, and every last one of them received, those that were in the residential waste collection business that were actually physically in that today were notified of the meetings and were encouraged to participate. Commissioner Rivers asked, what about your recycling, those who are in the recycling business? Ms. Lamb said, there are no businesses that are currently, no waste haulers that are currently or in the past two years have offered recycling services at a residential level. Both Waste Management and Boen did it, but because of the small number of clients that they both have, even Waste Management's client, there are not sufficient numbers of people. You have to have quantity, and you can't get away from that, and they tried and they've all failed. Commissioner Rivers asked, what about the people who handle the back end? Ms. Lamb said, we have them working very diligently trying to put into effect a process and agreement with Hunter, working with another governmental agency so that we do not have to spend any money for processing. Ours will only be —, our monies will only be used for collection. That is by far the cheapest way we can possibly get around it. I have had that in process for the last nine months. It's currently under review again. Mr. Hart has taken a lot at it, the JAG office has taken a look at it. I have made every best attempt I know how to do to cut the prices as low as they can go, and we have looked to involve everyone with the exception of the actual resident because there's no point of getting a resident upset or confused about what's going on until we all know where we're going. Commissioner Rivers said, well, Mr. Chairman, I would like to just recommend something. It seems like we have, in my estimation, a lot of —, not a lot of collaboration. I think that we need to just look at it, go back and see can we get these people involved to meter out all of this inequities that they see [inaudible]. I don't think we can go forward with a plan that everybody is not cooperating on. Everybody has to be in concert, so I would recommend that it go back.

Chairman Hair said, I agree. We have a motion on the floor, but I certainly agree with that after the motion. It's also, in all due respect to Ms. Lamb, a lot of times involvement —, I received a number of calls from people that were not notified and also the timing with which they're notified. If you're going to involve people in a collaborative process, you do it in the conceptual stage not after, you know, you've already got 20 pages written up and say this is the way it's going to be, and I'm not suggesting you did that. I'm just suggesting though that I think a lot of this problem in terms of collaboration and involvement was they were notified, but it was way down the road after a lot was already done, and I think if they had been involved in the conceptual stage earlier on, I think it might would have been better. Youth Commissioner Idris and then Commissioner Murray.

Youth Commissioner Idris said, I just wanted to say that in response to Commissioner Jackel, I don't think the amount that you pay for trash should be based on how much trash you generate rather than your property cost. Using the example that you said, the family living in a \$50,000 is not as fortunate as the guy living in a \$200,000, and just as it's not fair for them to pay the same amount, you should not make someone who's on a lower class pay the same as some who's sitting on a higher class.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, if I understood what he was saying correctly, percentage wise they don't. It's based on the millage rate, and if your home's valued at \$200,000, you certainly wouldn't pay much higher dollars than you would if your house is value at \$50,000, so it's a percentage.

Youth Commissioner Idris said, yes, he just said that he would —, I was reciting that he said it should be based on how much trash generate, which I think it should be based on how much your property cost. The same thing, you get taxes taken off on how much you make. The person who makes \$50,000 does not pay the same taxes as that person does, but it should be set on the same standards.

Commissioner Murray said, Ms. Lamb, let me ask you a couple of questions. You were —, before you came with Chatham County you did a program similar to this in Beaufort, is that right? Ms. Lamb said, I actually came in on the implementation end of that program. I did not do the development and the design end of it. Commissioner Murray asked, but it's pretty much the same program we have here when you start talking about the recycling side of it? Ms. Lamb said, no sir. We did everything at curbside. The program was complete residential curbside service for the unincorporated areas of Beaufort County, not including the areas like Hilton Head. Commissioner Murray asked, do you have any idea how much the County over there is subsidizing the program there? Ms. Lamb said, it was a hundred percent subsidized. Commissioner Murray said, okay. I've heard people from all sides speak. Someone made the comment that, I think Ms. Lamb did, that they didn't want to get the citizens involved in it. I can tell you right now they're fully involved in it in the Fourth District if you want to listen my telephone. It rings constantly wherever I am, whether it's the cell phone or anything else. There's people —, I had three calls since I've been in this meeting about it because I went out and checked a minute ago with people adamantly opposed to the thing now, and it's possibly because they don't fully understand it, but I am not going to sit up here and vote in favor of something that's going to cost the residents more money. I said that when we had the first reading on it. I thought you would come back and work that situation out. It's obvious it has not been worked out. I can't see why we're going to charge a millage rate to these people and not furnish the service that we've been furnishing, and I know that everybody's saying, oh, we're going to do that, but that is not exactly what's going to happen and we all know that's not exactly what's going to happen. These people are going to be paying a much higher rate, and again Commissioner Jackel leaned over and said what's the difference in the County collecting that dollar or whatever it is or the private hauler collecting that when all businesses collect sales tax for the County and the State. To me that's totally different.

This is not a sales tax, it's not something that's going to be deductible for those people regardless of how large or how small that amount is. If it's done as a millage rate they can deduct it. They will not be able to deduct this. I just don't think it's right. I don't think it's right to burden on the private haulers. We don't do it to other businesses, so why in the world should they have the responsibility of having to do that. I don't have a problem privatizing things, but this in my opinion not is not the way to go with it, and if it comes for a vote today I will vote against it. Chairman Hair said, well, we already have —. Commissioner Murray said, I think it's fine if they want to continue meeting and stuff and come back in a year or so, that's alright, but I am in not in favor of what's proposed now.

Chairman Hair said, well, we already have a motion and a second to deny on the floor. Yes 'mam, state your name for the record please.

Ms. Allison Thurlow said, my name's Allison Thurlow and I represent Boaen's and Curbie Sanitation. My parents own and operate the business. They've been doing it for 40 years, and I wrote down a bunch of notes here hoping to address some questions that you have. As far as our involvement with the County, we were asked to —, I did —, I believe I did attend the meeting that she spoke about in '98, but the first real involvement in this issue start, I believe, the first of the year of year 2000. We were asked, Virginia Lamb asked us to —, as private haulers, to come and help the County come up with a solution to reduce the waste that is currently a goal, a State goal of reducing the waste by 25%, which I may add I spoke with a —, I forgot his first name, the last name is Mr. Hartman [phonetic], up in Atlanta, who is in the solid waste program. I asked him about the 25% reduction. He said it is a statewide goal, therefore, because there are some counties that will be able to meet or go beyond that 25% goal, they will be able to maybe go up to 50%, whereas other counties will not be able to meet that 25% goal, so that's why it is a statewide goal, not a county or a city individual 25% goal. You —, Mr. Jackel had asked about there are some things we don't need to throw out. Well, yes, a lot —, I'm venturing to say that at least 50% of that ordinance is already an ordinance on the books. What they did is they combined the ordinance that we have and put it under one ordinance, but that is why. We're not complaining about a lot of that stuff. Most of that stuff we already abide by, trucks and various things like that. Oh, back to the involvement, we were asked the first of the year to help the County come up with a 25% reduction. It mainly dealt with recycling. I attended three meetings, I believe three, maybe four meetings, and then I was presented with a page of their program which was you —, basically you pay for what you generate. I took the booklet home, I reviewed it, I came up with some ideas and I was actually excited about going to the next meeting, and the next month nothing happened. I called Ms. Lamb and asked her when is the next meeting. She said I'll let you know. I said okay. Another month went by and I said when is the next meeting, well, I'll let you know. I believe about six months went by before we were ever notified of the next meeting, which was October 16<sup>th</sup>. I was going to be out of town so I called her and I said, you know, I'm going to be out of town. She said, well, we already have an ordinance written up and I was like you do, I thought we were still talking about this thing. I said please send me a copy of this ordinance. At that time she could not, it was at the attorney's office. I said, well, as soon as you get it, you know, fax it to me, which she did, and I believe I received it around the first of November. The next meeting was November 16<sup>th</sup> to discuss this ordinance with the private haulers for the first time. We had that meeting November 16<sup>th</sup>. The first reading on that ordinance was November 17<sup>th</sup>, a day later. This ordinance that was presented to us, it floored me because I was working on recycling, how do we reduce waste in Chatham County. This ordinance has nothing to do with reducing waste in Chatham County. It has to do with licensing the private haulers. Why do you want to license the private haulers? We're doing fine. I mean, the restrictions that are put on the private haulers, like Mr. Rayno said, most of these things, the restrictions that they want us to meet, insurance, of course we have insurance, and, you know, other things, but I guess what I would like to say here is that I would like for you to vote this ordinance down. It doesn't vote down everything because there is the ordinances that are already in place, but this particular ordinance I would ask that you vote down and let's start again, and I'll tell you why. As far as recycling, does the County really want to get into a recycling business? If they lose any business —, and to address your question about recycling, yes, we were in the recycling business. Right now we probably have several thousand dollars worth of —, they were like potato bags that we used to give to our customers to put recycled items in. They are still sitting on our property. We invested a lot of money in it. It did not work, and that is why there is nobody out there recycling because recycling is not profitable. Why does the County want to get into a non-profitable business? And consider this. If the County wants to get into recycling, what are they going to be recycling? The household trash because they're not addressing the commercial industry waste right now. Your household trash consists of aluminum cans, newspapers, glass and plastics. I called around and I got these figures from Southern Paper Recovery. Aluminum cans go for 22¢ per pound, plastics they pay nothing, newspapers they pay \$5 per ton. It will cost the County \$15 per ton to dispose of glass. Right now the information I received from the recycling company is that over 60% of the aluminum cans are already being recycled in Chatham County. Over 50% of newspaper is being recycled in Chatham County through this private company, and he said that probably the most you can get out of curbside collection is 60% recovery rate of your newspaper. So why does the County want to go after 10% and put out —, put a business out of business. I mean, there's already good business. They're doing that, cleaning up the newspapers. As a matter of fact, he is not only taking that burden off of Chatham County, he is also giving back to Chatham County. He says he turns around and writes a check to the schools and churches for donating newspapers to his company. So pretty much the newspaper's taken care of so why go into that field? And then the aluminum cans, you know, he said 60% is taken and of that you'll never get 100% of recovery of your recycled items. So why —, and some of the information I received, I think it was kind of allotted that at \$90,000 we spent on a recycling truck, so why do we want to spend \$90,000 plus the cost of labor and all that, and like I said, I have experience with recycling. It was not productive at all. Why do you want to go in the hole in getting into recycling? I am all for recycling. I believe in recycling. I think it's something that we all need to do to take that personal responsibility, but this ordinance has nothing to do with it, and I think you need to scrap it and start again with a different approach, and I am willing to, you know, take my time and do what I can do. I have even come up with some ideas, but I don't want to present it right now, but —, of ways that we can reduce our waste, but I just do not believe that this is the way to go.

Vice Chairman Thomas said, thank you. Commissioner Murray and then Commissioner Kicklighter.

Commissioner Murray said, yes, I had a question. You'd called me the other and we talked for quite a while, and one of the items that you mentioned was that the County wanted to franchise the waste haulers, private waste haulers. Ms. Thurlow said, yes, Virginia [Lamb] told us that that was the ultimate goal to franchise the private haulers. Commissioner Murray said, if you know how we're going to do that, I wish you would tell me because the Legislature will not let us franchise in Chatham County. This is not the City of Savannah. They can do it, we can't, and our legislative delegation has been opposed to that every time it's come up over the last, I know, eight years and probably longer.

Ms. Thurlow said, may I say that I feel like that this ordinance is the foundation for franchising, and I'll give you one little tip. In this ordinance they want us to have six-inch letters on our trucks in three prominent places. My letters are only four inches, therefore, I would be in violation of this ordinance if I didn't have a six-inch letter on my truck. Commissioner Jackel asked, what is wrong with —, what is wrong with that? You know how mad I get sometimes when I go down the street and someone cuts me off and I want to call in and I can't see who it is. Ms. Thurlow said, I'm proud to advertise our business, but what I'm saying is I only have four-inch letters. People can see it, but if I don't meet that six-inch letter requirement then —. Commissioner Murray said, other businesses have advertised on their trucks, not that they have to have a certain sized letter. Commissioner Jackel said, well, there are certain requirements. What really gets my blood boiling is when I get something in from some State department, something in the State and they don't even have a phone number. Then I know that there's someone in Atlanta who doesn't want to be bothered by the citizens, but I don't think that's an unreasonable requirement, nor do I think that we make sure everybody that's hauling waste on our roads has adequate insurance. I think that is a reasonable thing for us to require some things like that. Ms. Thurlow said, we have adequate insurance. Probably we have more insurance than what's required by this ordinance. Commissioner Jackel said, well, I'm sure you do, but, you know, you can't speak that all the haulers are that way, and I think, you know, it's important that we make sure that there are people —.

Commissioner Murray said, I call for the question.

Ms. Thurlow said, if that is the case, then why should we not go [inaudible] —. Commissioner Jackel said, hold up for just one second, Frank [Murray], if you would. Chairman Hair said, try to wrap it up quickly here if you can. Commissioner Jackel said, yes. I would like us to enter into the meeting this chronological —, in the minutes of the meeting the chronological time line for the genesis of the movement. It goes back to '97 and it lists all the meetings and it —, back on 11/30 of 2000 it had the sixth waste hauler's meeting, so there are apparently six of them spread out over two years. I would ask that that be entered in the minutes.

Chairman Hair said, it's entered into the minutes. All those in favor of the motion to deny vote yes, all those opposed vote no. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes. Thank you very much. We appreciate all those who —, we appreciate your input very much.

**ACTION OF THE BOARD:**

1. Commissioner Rayno moved to untable this item and place it before the Commissioners for consideration. Commissioners Murray and Gellatly seconded the motion. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Rivers was not present.]
2. Commissioner Rayno made a motion to deny the proposed revisions to the Solid Waste Recycling Ordinance. Commissioner Murray seconded the motion for purposes of discussion. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Rivers was not present.]

Chronological Timeline  
for Genesis of Movement  
Toward New Solid Waste Ordinance Parameters

Date	Activity
12/97	Began work on revised solid waste short-term work goals and program for Chatham County for submission to the Department of Community Affairs
02/98	Staff conducts internal waste audit of existing County landfill sites with assistance from MPC staff
03/13/98	Presentation to Board on Solid Waste Management - Open Burning
03/18/98	Public Hearings MPC on Chatham County solid waste short-term work goals and program
04/10/98	Presentation to Board on upcoming issues of position paper of solid waste management changes necessary
04/20/98	Presentation to Commission for forwarding of solid waste short-term work goals and program to Department of Community Affairs for approval.

06/27/98	Presentation to Commission for approval of resolution adopting the Chatham County solid waste short-term work goals and program
07/21/98	Presentation of completed position paper on solid waste management issues for Chatham County
08/14/98	First action predicated on position paper on solid waste management issues for Chatham County - closure of Dillon Drop-off Center
08/28/98	Second action predicated on position paper on solid waste management issues for Chatham County - open burning education program
11/05/98	Presentation of Strategy of Twelve Point for new Chatham County solid waste management policies and programs-receives unanimous endorsement from Commission
03/15/99	Presentation for application for GEFA grant for purchase of recycling containers
04/30/99	Presentation to Commission of Grants-in-Aids request, establishing the University of Georgia Cooperative Extension Service - Chatham County Office as the solid waste source reduction/waste diversion/recycling education partner.
04/30/99	Presentation to the Commission of first revision major revision to existing Solid Waste Ordinance - setting up parameters for establishing yard waste recycling program
05/23/99	Presentation to the Commission of the procedures for the new County collection program – Start Date: July 19, 2000
07/17/99	First regional govt. meeting
08/18/99	Second regional govt. meeting
09/19/99	Luncheon with area waste haulers, landfills and recyclers about Chatham County short-term work plans, programs and goals at Savannah Chamber of Commerce.
11/08/99	Third regional govt. meeting
11/11/99	Presentation to the Commission of best solid waste management practices
12/11/99	First solid waste haulers meeting
Date	Activity
01/20/00	Second waste hauler's meeting
01/27/00	Third regional govt. meeting
02/03/00	Department of Community Affairs presentation of Pay-As-You-Throw open to waste haulers and other interested parties...waste haulers were notified.
02/17/00	First meeting of Economic Development Group
02/24/00	Third waste hauler's meeting
02/25/00	Presentation to the Commission (update) on Twelve Point and Regional Solid Waste Initiatives
03/02/00	Fourth regional govt. meeting
03/03/00	Second meeting of Economic Development Group - consensus Chatham and surrounding Counties need definitive waste stream analysis before pursuing economic development component - suspended further meetings until waste stream study could be funded.
04/14/00	Presentation to the Commission for GEFA grant application for regional solid waste stream analysis in keeping with solid waste short-term work plan
04/28/00	Presentation to the Commission (update) on progress on Twelve Points and regional solid waste initiatives
05/25/00	Fifth regional govt. meeting
06/23/00	Presentation to Commission for approval regional and local municipal intergovernmental agreements to jointly pursue solid waste management activities in keeping with the short-term work plan and Twelve Points
06/23/00	Presentation to Commission for submission of DNR Waste Tire Grant application for analysis of tire issue in Chatham County in keeping with short-term work plan and Twelve Points
07/20/00	Sixth regional govt. meeting
09/21/00	Seventh regional govt.meeting
10/06/00	Presentation to Commission regarding new fee structure, licensing and integrated solid waste management ordinance
10/16/00	Fourth Waste Hauler's Meeting

11/16/00	Fifth Waste Hauler's Meeting
11/17/00	First Reading on New Combined Integrated Solid Waste Ordinance
11/30/00	Sixth Waste Hauler's Meeting
12/01/00	Second Reading on New Combined Integrated Solid Waste Ordinance

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**IX. ITEMS FOR INDIVIDUAL ACTION**

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

**1. REQUEST BOARD APPROVE THE FOLLOWING: REQUEST BOARD APPROVAL OF THE FOLLOWING: A 1993-1998 SPLOST BUDGET AMENDMENT TO RECOGNIZE \$152,000 IN REVENUE FROM STATE OF GEORGIA FUNDS AND APPROPRIATE \$152,000 TO 1993-1998 SPLOST WILMINGTON ISLAND DRAINAGE PROJECT.**

Chairman Hair said, I'll entertain a motion to approve. Commissioner Thomas said, I move for approval. Chairman Hair asked, second. Commissioner Odell said, second. Chairman Hair asked, any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rayno, Rivers and Jackel were not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the following: A 1993-1998 SPLOST budget amendment to recognize \$152,000 in revenue from State of Georgia funds and appropriate \$152,000 to 1993-1998 SPLOST Wilmington Island Drainage Project. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rayno, Rivers and Jackel were not present.]

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**2. BOARD DIRECTION SOUGHT ON FINAL FORM, VIDEO POKER ORDINANCE.**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, yes, Mr. Chairman, Dr. Thomas, gentlemen. This is just to bring you up to date where we are on this and to gain some direction as to the final format for the ordinance you'll be receiving. Again, those on the Board prior to the first of the year recall that a while back staff came forward with an expressed concern about what might be happening now that our sister state has banned video poker and whether or not machines formerly used in the state to the north of us might be creeping south of the Savannah River, which they are. You asked us to go back and look at options in effect that would craft an ordinance that might discourage proliferation of video poker machines and the type of problems evidenced when it was sanctioned in another state. We're coming forward now and we're asking for some general direction from you. It will not take that long, but between Mr. Anderson and Mr. Hart I would like to have the policy issues discussed from the standpoint of options. Once you give us an up/down, we'll proceed with drafting the ordinance.

County Attorney Hart said, this came up about four or five months ago shortly after, I guess, South Carolina decided they were going to have a lottery and do away with video poker arcades and the concern was expressed where the 50,000 or so video poker machines were going to end up, and discussion was had whether the Commission would like to have some kind of ordinance in place to try to regulate that and make sure it didn't get out of hand. At that time we contacted Augusta, Hart County, Braselton County [sic], and one other county that had enacted some ordinances in regard to this situation. Essentially what has happened is the gambling devices are regulated under State law, but the people who regulate those gambling devices under State law just do not have the manpower on a local level to make the enforcement of gambling devices, so we have essentially relied on State law, and the other issue is do you want to regulate coin-operated amusement devices, games of chance or skill, video poker type machines in which somebody receives something of less than \$5, replay, point systems or voucher systems, and in the process of that we were asked to look at that ordinance and also to get with the Police Department and get their input as to enforcement problems that they foresaw. And essentially what this ordinance does is allow the —, require the registration of all coin-operated amusement devices in Chatham County and for the owner to give an affidavit stating that it's not going to be for a gambling purpose. It also requires that any three or more devices within a location would have to be treated as an arcade. The three or more was put in there primarily because after discussing with it among staff and looking at it across the community, we have all the movie theaters in town that have three or more and we have a lot of restaurants in our community that have these type of devices and the intent was not to regulate those type of situations, but rather, you know, the people on the street corner. So this —, we did an exemption for that. This essentially requires folks to come in, register those devices. We put some square footage regulations in there to try to regulate the number that you could put in there for building capacity for fire safety

protection so that you just don't have a building with 50 of these things in there, and we put some distances that we basically took out of the various alcohol and liquor ordinances because the distances and the way that has been drafted has been challenged time and time again and has withstood constitutional attack. We, like the other counties that have looked at this, did not eliminate the pre-existing devices that are already in place. Concern raised in the County Attorney's office in speaking with other communities that have dealt with this same issue was whether they would be subject to being challenged either under one of the zoning ordinance regulations or challenged as a taking by a public entity. Therefore, we felt like the best thing to do was to put a two-year provision in there for those that are already in place and prospectively state that if at the end of the two years there's a sunset provision that they have to come in compliance with the ordinance and we felt that that could withstand legal challenge. We did not put a fee in this ordinance at all primarily from the standpoint that the only way we could see we could regulate that would be under a regulatory fee, and there's already a State statute in regard to that and we felt that the legal challenge in regard to that fee, and we just felt that that was probably the best thing to do. We have gone with the registration rather than licensing because registration is probably administratively the most inexpensive way to go and does what we need to have it do. A person comes in, they'll register, give us an affidavit. You don't have to constantly renew under a licensing situation in which you don't have a —, well, you don't have the ability to charge a fee anyway. If they're in compliance, that's fine. If they're out of compliance, they're not protected under the act. It gives the police officers that have to regulate this by complaint to be able to go in and ascertain through the registration form and affidavit if the individual is in or out of compliance, and that's pretty much where we're at in regard to this. We don't see too many other changes in regard to this, but we wanted to sort of bring it to you to see if this is the direction that the Board wanted to go because there's been several other counties attempt to do this.

Chairman Hair asked, anybody have any suggestions? Commissioner Murray said, I've got a question. Chairman Hair said, Commissioner Murray and then Commissioner Jackel.

Commissioner Murray asked, may I ask you one question? I think we brought this up the last time when we first discussed it. Is there any way that we in Chatham County can not allow them period? County Attorney Hart said, if we did that, we would certainly be subject —. Probably not because if we tried to totally eliminate this type of machine, you probably would run afoul of the Commerce Clause. It is not a gambling device. These are coin-operated amusement machines, and we would probably have trouble. Commissioner Murray said, it's whatever you want to [inaudible]. County Attorney Hart asked, I'm sorry? Commissioner Murray said, it's whatever you want to uses them for. That's left to interpretation also. County Attorney Hart said, that is —, according to the Police Department, that is a —, that is a difficult situation because you're going to have some people that are willing to lie on the affidavit, you know, and —. Commissioner Murray said, my next question. You said to allow those that are already in place two years to remove them. Why does it have to be two years, why can't it be sooner? County Attorney Hart said, well, we tried to go through and look at sunset provisions of various other types of ordinances, not necessarily dealing with this type of an ordinance, to try to ascertain what are safe periods of time so that you know you have a good constitutional sunset provision, and two years seemed like —, withstand most legal challenges. Commissioner Murray said, my feeling would be that we try to eliminate them totally, and if we can't do that that we don't allow them to stay in existing places any more than one year rather than two years.

Chairman Hair said, okay. I think, before I recognize Commissioner Jackel, Commissioner Rayno and then Mr. Earls, but let me make a quick comment. I don't —, I understand where you're coming from, Commissioner Murray, but there are an awful lot of very legitimate businesses out there in Chatham County right now doing this, and I think to eliminate them totally, as the attorney said, might be illegal, but I —. Commissioner Murray said, well, that was just my opinion and my feelings on it. Chairman Hair said, yes, I understand. I understand. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, yes, we're talking about video poker machines, which is, I think, what this is aimed at. I want it —, I would like to see it cut to one unit and I would like to see a provision in there that states it cannot be in a facility where alcoholic beverages are for sale. And if movie theaters have something in it to distract their people while they're waiting for a movie to start, I don't have any trouble with that, but where people are going to be where alcohol beverages —, even if the alcohol can't be consumed on the premises, I'd like to see that be a part of it. County Attorney Hart said, well, that would cut —, that cuts a pretty wide swath insofar as the restaurant business. Most of them have an alcohol or beverage license, Chuck E Cheese for example. You know —. Commissioner Jackel said, well, they have other games other than video poker. That's what this is dealing with, so they'll just have the other games rather than video poker. I think —, I hope I can speak for Frank [Murray], I —. Commissioner Murray said, I'll let you know whether your are or not. Go ahead and I'll let you know. Commissioner Jackel said, we, as Commissioners, or I, as a Commissioner, we don't want the gambling in Chatham County. We want to stand up and say we're against it. Now there is the other side and people can decide what they want to do, but we also have the right to determine what type of community we're going to live in, and the type of community I want to live in doesn't need gambling, and so these gambling devices I'm against, and if I can't just outlaw them, my intent is to make the ordinance such that they will disappear by now allowing them to be around liquor and limiting it to one machine, and that's what I'd like to see in the ordinance, and anything else to restrict the hours of operation so they're not operated past 9:00 p.m., in the evening would also be another rule I'd put in there. I want to be as clear as I can be [inaudible].

Chairman Hair said, you know, one of my concerns about giving directions to the attorney, I think it should be a consensus of this Commission and not an individual —. For example, if eight of us should be open until 10:00 and you believe it should be open until 9:00, then I think the wishes of the majority should carry. Commissioner Jackel said, certainly, certainly. Chairman Hair said, so I don't think that the ordinance should reflect —, if these changes are going to be made, it should be we should vote on these changes individually. If you want, for example, non-alcoholic beverages, if all of us want to do that, fine, but I don't think that we can write an ordinance around individual Commissioner's morality, and it seems to me the majority should rule, and these things that are being suggested are not bad suggestions, but rather than

just automatically insert them because a Commissioner suggested it, it needs to be brought back and it needs to be a consensus. Commissioner Murray said, well, I think that's what we were doing is —. Commissioner Jackel said, that's what we were doing, making suggestions. Chairman Hair said, make us a list. We'll get —. Okay, Commissioner Rayno and then Mr. Earls and then Commissioner Kicklighter.

Commissioner Rayno asked, has it been mentioned that we just got this this morning? Chairman Hair said, yes. Commissioner Rayno said, I kind of resent that. You're asking for direction and you hand it to us prior to a meeting. When I study this whole book and if I had it prior, I would have studied it prior to this. Is there anything in the ordinance prohibiting 21 year olds or less from using the machines so that you can stop children from being on the machines? County Attorney Hart said, the affidavit requires that the operator make a statement that he is not going to use people —, allow it to be used for people under 18 years of age, as I recall. Commissioner Rayno asked, is there anything in the ordinance requiring it to be so many feet away from a church that might be nearby? County Attorney Hart said, yes sir. We pretty much followed the —. Chairman Hair said, alcohol. County Attorney Hart said, alcohol beverage ordinances in regard to that because they've been challenged time and time again and they've withstood the test of time. Commissioner Rayno said, I agree with everything Commissioner Jackel said, adding to the coordinates.

Chairman Hair said, all right, well, they're already in the record. Chairman Hair recognized Mr. Earls.

Mr. Ken Earls said, my name is Ken Earls. This may just be a technicality, but Mr. Hart kept using the term coin-operated machines. County Attorney Hart said, correct. Mr. Earls said, I have seen several that do not accept coins, they only accept bills. Now that's a technicality, but we're talking about a law and ordinance, so does that make a difference? County Attorney Hart said, well, the State statute has a coin-operated machine definition that is inclusive enough and broad enough to include Master Card, credit card or your debit card of choice.

Chairman Hair said, thank you, Mr. Earls. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. This is one of those issues that when I served as Mayor of Garden City we would look over to the County for good ordinances and now I think we may want to take a look at Garden City. We studied this issue extensively and I really don't remember the details, but we tacked on the square footage like you're talking about and came up with what I remember was a pretty good ordinance on this issue. So, maybe just take a peek at that and grab a little bit of what they did there possibly and it may help us out on this issue.

Chairman Hair said, good point. Okay, I think we've got some significant direction for the County Attorney and those will be brought back to us for us to vote on individually. Thank you.

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

A proposed ordinance will be brought back to the Commissioners for consideration on first and second reading.

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### **3. UPDATE ON REVISIONS TO COUNTY RESPONSIBILITIES, SOLID WASTE AND RECYCLING SERVICES.**

This item was discussed jointly with Item VIII-1. Please refer to that item for discussion and action.

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

Refer to Item VIII-1 for discussion and action.

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### **4. INVITATION TO THE COUNTY COMMISSION TO PARTICIPATE IN A JOINT MEETING WITH THE MPC ON THE 23<sup>RD</sup> OF JANUARY TO DISCUSS REVISIONS TO DEVELOPMENT ORDINANCES.**

Chairman Hair said, Ms. Stone has already invited us and I think you've also received a written invitation. I think this is a great idea for us to get together and do that and I think that it would benefit a lot of things that we've discussed this morning. Chairman Hair recognized, Commissioner Murray.

Commissioner Murray said, yes, this is what I wanted to move my thing under Commissioners Items for about the committee we set up, but it's probably too late to do this, but —, and I know that some people on the Commission are going to Atlanta on the 24<sup>th</sup> for the Atlanta and Savannah/Chatham —, Atlanta Day in Savannah or Chatham in Atlanta on the 24<sup>th</sup> for that night, but is there any possibility that this meeting could be changed to the morning of the 24<sup>th</sup> rather than the 23<sup>rd</sup>?

Chairman Hair said, I don't know. Generally, when you try to get 40 people together, you're never going to find a time that's going to be convenient. If that's —, who actually is taking —? County Manager Abolt said, in this case the invite is MPC so, as the host —. Chairman Hair said, why don't we do that, why don't we make a request that they, if they can move it, Ms. Stone, it may be too late to move it, but it may not be. Commissioner Murray is recommending the possibility of moving the meeting to the morning of the 24<sup>th</sup>. Commissioner Murray said, 8:30 on the 24<sup>th</sup> rather than the 23<sup>rd</sup>. Chairman Hair said, I don't know if that's possible or not.

Ms. Helen Stone said, I don't really know either. We did mention to the MPC Commission on Tuesday that that was the date and then the invitation's been extended to you all. To my knowledge, has City Council been apprised of this date? Mr. Milton Newton said, I'm not sure. Chairman Hair said, well, just take it under consideration. I think it's —. Ms. Stone said, perhaps we could act on it today. Chairman Hair said, if it is possible. Ms. Stone said, and we'll —. Commissioner Murray said, the reason I asked that, if it's on the 23<sup>rd</sup>, I cannot be here. If it's on the 24<sup>th</sup>, I can and it affects the majority of my district and that's why I'd like to be at the meeting when it goes on. Ms. Stone said, we certainly encourage your participation and want to work with you to see if you can make it possible. Chairman Hair said, and if they can't move it, Commissioner Murray, maybe you can put your written comments to them that they would, you know, be entered into the record.

Commissioner Kicklighter asked, could I get the time of the meeting again please? The time? Ms. Stone said, we had it from 8:30 to 12:30 on that Tuesday, the 23<sup>rd</sup>. Chairman Hair said, okay.

Commissioner Rayno asked, has the City been invited to it? Ms. Stone said, it's the next thing. Chairman Hair said, they will be invited. I'm just saying they weren't sure if they already have been. I think they have been. I think I talked to a couple of aldermen about this and I think they have been invited. They certainly will be invited. Commissioner Rivers said, the City would have the same concern as the —. Commissioner Thomas said, right. Chairman Hair said, well, actually that's something for him personally though because the trip is the day after that, the same day.

Ms. Stone said, I wonder if I can on the 24<sup>th</sup>, if the people that are going to Atlanta on the 24<sup>th</sup>, did you say that's when —. Chairman Hair said, yes, it's the 24<sup>th</sup> and the 25<sup>th</sup> so it —. Ms. Stone said, okay. Chairman Hair said, it actually might make it worse for some people. Ms. Stone said, that's my concern. Chairman Hair said, I think it will make it worse for some people. Ms. Stone said, that would be my concern. Commissioner Murray said, well, I'm going to Atlanta, but whatever works out, let me know. Chairman Hair said, okay. Commissioner Thomas asked, will it be in the MPC Room? Ms. Stone said, it will be at the Civic Center.

Commissioner Murray said, the reason I had asked to defer my item under Commissioners Items about creating the citizens committee was because this write-up was in here and Item 4 on this says, "Greater efficiency and coordination can be achieved through a cooperative effort between the City and Count, working through the MPC.", and there's some concern that the City of Savannah would like to participate in this, and I agree it does not make sense to have two different citizens committees to work with the MPC and the staff. My concern though is that we have some more needs and we saw earlier today with the Target situation and that piece of property out there, and going to the meeting the other night it was even more evident to me that even though the developers are opposed to it that the drainage plan should be one of the first things that is done on any development of that size, and it was evident the other night because that's where most of the discussion was coming from, and it has not been done and they could not answer the questions that were being asked, but I also think it's important that we go ahead and have a committee to move it forward and start this process. Now I don't know how much time the City needs to appoint a committee or if they're willing to appoint a committee and does that mean that an ordinance that's in place in the County is going to be the same ordinance that's in place in the City. Is that what we're working towards? It makes sense, but I just wanted to —.

Mr. Newton said, we would like to have the City and the County regulations to the extent possible identical so that citizens and people who will be working under the ordinance will have the same set of rules whether it's the City or the County. Chairman Hair said, that certainly makes sense.

Commissioner Murray said, and I can agree with that. The other side to this though is that we've been trying for a number of years to consolidate the City and the County Inspections Department. Now we're being told that we want to put the ordinances the same, I think this is a good time to bring that up again with the City of Savannah to try to consolidate those two departments. We've got a facility to work out of now, and it should be. That was the purpose of doing that facility where our Inspections Department was moved to, but I think that we need to go ahead, and the reason I wanted to put this off until now is because after the last meeting when I brought this up to appoint a citizens committee some comments were made about, well, we've got community groups in all the neighborhoods. Well, that's right, but if we're working on the ordinance just for the unincorporated area, then I didn't want people serving in the City of Savannah or other municipalities trying to tell the people in the unincorporated area how the ordinance should be, and that's why I recommended those names that I did on the last time for that citizens committee, but I think now we need to decide are we going to do a joint committee or how we're going to do it. Chairman Hair said, I think it —. Commissioner Murray said, and if so, how many people are going to be on this committee. Chairman Hair said, I think it, if my memory serves me correctly, which it might not, but I believe what we did last time was we suggested that all of the Commissioners might want to submit names for that committee and not just the list that you submitted. Commissioner Murray said, that's right, but my point being, Billy [Hair], is that, and I think Commissioner Odell was the one that brought it up, a citizens committee in his district that might fall under the City of Savannah, if we're going to address an ordinance that only affects the unincorporated area, what kind of input is that person that's in the City of Savannah going to be giving to that unincorporated ordinance. Chairman Hair said, I think most Commissioners have portions of their district are in the unincorporated area, so they should be represented.

Commissioner Murray said, I understand that, and that's the point I'm trying to make, that if they are represented, they need to be represented out of the unincorporated area to deal with those ordinances, and I agree that all districts have that. Chairman Hair said, well, I think it's up to an individual Commissioner to appoint whoever he decides to appoint for his district. I don't know that we can dictate how —, whether they get somebody from the —. Commissioner Murray said, so what you're saying then is those —, it doesn't matter who the citizen is, they're all aware of the problems we have in the unincorporated area with the ordinances we have so that's all right for them to come in there and dictate how we're going to do the ordinance. Is that what we're saying? Chairman Hair said, well, no, I'm just saying I trust the —. Commissioner Murray said, that's what it sounds like. Chairman Hair said, the wisdom of the individual Commissioner to appoint someone who can serve for his district. Commissioner Murray asked, the next question: Are we going to have a committee or not and, if so, when is it going to be appointed? Because this keeps dragging and we keep having problems and we're going to continue to have problems, as we discussed earlier in this meeting with pieces of property that come before us and that comes before the MPC until all these things are clarified.

Mr. Newton said, these are some of the questions that we wanted to develop and address in a workshop setting so that we could get some discussion and make some decisions on them so that everybody would be on board at the same time. Ms. Stone said, this is really just stage one.

Commissioner Murray said, that's fine, but I would also state while everybody's here together that I don't want an ordinance being drafted and given to the citizens committee once one's appointed without their input through that whole process. Mr. Newton said, we wholeheartedly concur. Ms. Stone said, yes. Chairman Hair said, thank you.

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

An invitation was extended for the Commissioners to attend a joint City/County workshop with the MPC on January 23<sup>rd</sup> at 8:30 a.m., at the Savannah Civic Center, to discuss revisions to development ordinances. Discussion regarding the appointment of a citizens committee on development ordinance changes was received as information.

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#### **5. REQUEST BOARD APPROVAL OF POLICY ON ALLOCATION OF BANKED WATER FOR CHATHAM COUNTY.**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, yes, Dr. Hair, Dr. Thomas, and gentlemen. This is a continuation of some concerns for Natural Resource Management in acknowledging that the State Environment Protection Division has the overall responsibility for Water Research Management back in 1997. Part of the tools used in that management was to establish a banking of a certain amount of water. There was also an elimination of use of water by Hunt-Wesson back then. The long and the short of it is, there's a little over 150,000 gallons per day that have been banked for prudent use in the future. Mr. Monahan and staff have come up with a recommended policy for the potential allocation of that in light of a specific request from the Yacht Club Estates on Whitemarsh Island and also recognizing that the Industrial Park in West Chatham, referred to as the SPA Park, has a capacity problem and we're trying to shepherd the overall bank so it will be responsive to the needs of the very important industries. I would like to have Mr. Monahan come forward and answer any questions you might have.

Chairman Hair said, I think the staff has done a great job on this. This is a very well done policy, and I think it protects all segments of the community. Pat [Monahan], would you come forward? Anybody have any questions of Mr. Monahan? As Russ [Abolt] said, he took the lead on this, but you did a very good job on this, Pat [Monahan].

Mr. Monahan said, well, it attempts to balance three things. First, it meets the EPD requirements; second, it provides a mechanism so that community water systems can apply and increase their capacity; and, third, it does allow us an attempt to resolve the issues at the Savannah Port Authority Park, even though the name changed to Economic Development Authority it's still called the SPA Park. As Mr. Abolt pointed out, the County is suffering from a problem of increased capacity or increased usage because of the high production of the industrial users there. Unfortunately, if another user came forward, the County would not be able to meet those requirements. It would suffer further fines. This will give us an opportunity to address that. If we are not successful in resolving that issue with the State of Georgia, with the Environmental Protection Division, then that quantity would then revert back to the Water Bank for future use. Any questions?

Chairman Hair said, I think it's again —, Commissioner Rayno.

Commissioner Rayno asked, were any of the citizen advisory groups involved in the process of coming through this plan? Mr. Monahan said, yes sir. The citizen advisory groups were —, participated in the development of the Water Supply Management Plan, of which the nine criteria are included in that plan. So, yes, they did help develop that plan. Commissioner Rayno said, I went through the Water Management Plan in this that was provided to me and I still don't understand it honestly and truly, and I'd like to make a motion right now that we table this so we can have a —, more of a discussion with Public Works and also the water guys to explain things a little bit in simpler terms and maybe explain the Water Bank and how that might correlate in the future to TSG and their possibility of wanting to make Water Banks. I think

that's very important. It's a very complex issue and we also should involve the City on this too since they're a water provider. So my motion is to table this so we can have a meeting with the City, County and the water folks.

Chairman Hair said, Commissioner Rayno has made a motion to table. Is there a second to that motion? Chairman Hair said, the motion fails for lack of a second. I'll entertain a motion. Commissioner Jackel said, I would —. Chairman Hair asked do you have a second or not? Commissioner Jackel said, I'm trying to figure out what he's doing here. If he's talking about a workshop, I'm all for a workshop. Commissioner Rivers said, I don't want to second that. Chairman Hair asked, are you talking about a workshop? Chairman Hair said, I think —, I personally think we should move forward with it. I think this is —, really, I concur with the concerns of Commissioner Rayno, but the concerns he specified do not —, are not really related to this policy. This is more the allocation of an existing bank that has already gotten EPD approval, and I just think we need to move forward with this. I don't —, I think the other issues are secondary to this.

Commissioner Rivers said, Mr. Chairman. Chairman Hair said, yes. Commissioner Rivers said, the only reservation I have, I would second it, but does any of the other new Commissioners have a problem with it, you know, or an unreadiness?

Chairman Hair asked, do y'all have any problems? Commissioner Kicklighter said, I have no problem. Chairman Hair said, okay, so the motion does not have a second. Is that correct? So it fails. I'll entertain a motion to approve. Commissioner Odell said, so moved. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Jackel, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of eight to one. Chairman Hair said, the motion passes. Thank you.

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

Commissioner Odell moved to approve the following methodology for allocation of 150,200 gallons of banked water for Chatham County: (a) the Public Works Department shall accept requests from water providers in the unincorporated area for any allocation from the Water Bank; (b) the requesting water provider must meet the list of criteria as provided by the Water Supply Management Plan; (c) priority will be given to community systems, including those of Chatham County; however, each system must prove that it cannot obtain the required capacity under an existing groundwater use permit or that it is not feasible; (d) each requested connection will use 300 gallons per day as an Equivalent Residential Unit (this will keep the allocation means consistent, which also follows the City of Savannah's plan); (e) an approved allocation will be made for a specific community and number of homes; an approval cannot be transferred to another area; any allocation must be in use within 12 months from date of approval or the quantity returns to the Water Bank; (f) the initial allocation from the Water Bank will be 50,000 gallons (this will allow time for Chatham County to pursue additional capacity for the SPA Park; if EPD does not allow Chatham County to use any of the allocation for this purpose, the remaining balance will revert to the bank for further allocation, as above); (g) the Public Works Department shall be provided administrative approval in any allocation to a single request of 9,000 gallons or less (some 30 connections of a single family subdivision); any allocation in excess of this amount will require approval from the Board of Commissioners; (h) the Public Works Department shall institute such other administrative procedures that will enable a fair process but maintain the intent of EPD's allocation; and, (i) the Public Works Department shall provide a semi-annual report on allocations from the Water Bank, this to enable the Board to assess requests and the status of the balance of allocations. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rivers, Jackel, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of eight to one.

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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 said, that takes us to the Action Calendar. I'd like to pull off Item #5. Does anybody else want to pull off anything. Commissioner Jackel said, J and K, and that's good. J and K. Commissioner Murray said, 4. Chairman Hair said, I've got 4 already —, no, I'm sorry, go ahead. Commissioner Murray said, 4. Chairman Hair said, okay, Commissioner Murray. Okay, I'll entertain a motion to approve the balance of the Action Calendar. Commissioner Odell said, so moved. Commissioner Thomas said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. Commissioner Jackel said, discussion. Chairman Hair asked, on the Action Calendar? Commissioner Rayno said, yes. Chairman Hair said, the policy is if you want to pull a particular item off, you pull that item off and discuss it separately. This is the —, which item would you like to pull? Just give me a number or a letter. We'll discuss it and we'll vote on it separately. Commissioner Rayno said, it's on #8, D and J. Chairman Hair said, what is it? Commissioner Jackel said, I've already pulled J. Chairman Hair said, J's already pulled. What's your other number? Commissioner Rayno said, D. Chairman Hair asked, that's it, D and J? J's already pulled. Okay. All those in favor of the balance of the Action Calendar vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the Action Calendar in its entirety except Items 4, 5, 8-D, 8-J and 8-K. Commissioner Thomas 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 15, 2001, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the minutes of the regular meeting of December 15, 2000, as mailed. Commissioner Thomas seconded the motion and it carried unanimously.

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- 2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD DECEMBER 7, 2000, THROUGH JANUARY 4, 2001.**

**ACTION OF THE BOARD:**

Commissioner Odell moved to authorize the Finance Director to pay the claims against the County in the amount of \$9,937,358 for the period December 7, 2000, through January 4, 2001. Commissioner Thomas seconded the motion and it carried unanimously.

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- 3. REQUEST BOARD APPROVE EARLY ACQUISITION FOR PROPERTY OWNED BY MELODY A. WILLIAMS LOCATED ON GARVIN STREET, BLOOMINGDALE, GEORGIA, FOR THE JIMMY DELOACH PARKWAY, PHASE II, WIDENING PROJECT. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the early acquisition of property owned by Melody A. Williams located on Garvin Street, Bloomingdale, Georgia, for the Jimmy DeLoach Parkway, Phase II, Widening Project. Commissioner Thomas seconded the motion and it carried unanimously.

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- 4. REQUEST BOARD APPROVAL OF GRANTING A VARIANCE TO THE RIGHT-OF-WAY REQUIREMENTS OF ARTICLE VIII, §805.02 OF THE SUBDIVISION REGULATION ORDINANCE BASED ON PREVIOUS ACTION OF THE BOARD TO ACCEPT JAZIE DRIVE AS A PUBLIC ROAD AND WAIVE THE REQUIREMENT FOR A TRAFFIC STUDY TO DETERMINE IF JAZIE DRIVE AS CONSTRUCTED WILL PROVIDE A /SATISFACTORY LEVEL OF SERVICE. [DISTRICT 4.]**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes. Why would we waiver that? Why are we being asked to waiver to determine whether this Jazie Drive provides a satisfactory level of service? The road is not the width of a normal road. Commissioner Jackel said, we had that at the last meeting.

County Manager Abolt said, sir, we —, staff took the direction given the last time this was before the agenda and felt that everything else that would follow would, in effect, be a sequence based on your desire to accept.

Commissioner Murray said, okay, well, I'm not going to get into the amount of comments I made at the last one, but I am going to comment. That once we approve this, and it's obvious it's going to be approved, and I brought to the Chairman's attention because after that meeting we went to two different groundbreaking, one was over at the Tag Office and I looked across the street and pointed out that subdivision —, not subdivision, but shopping center that's there by the theater, and I know for a fact that a lot of people take on peak hours going down Eisenhower Drive when that light is red in the mornings and the afternoons, and they turn and go through that shopping center to get back over to Waters Avenue. That same road could be the same as this and we would have to accept it. Commissioner Rivers said, it's in the City. Commissioner Murray said, it's in the City, but that's an example. We have others throughout the unincorporated area that are that way, that's what I'm saying, and that was the point I was trying to make at our last meeting that if this opened —, once we've approved this and finalized it, which we'll probably do today, it opens it up for any area in any specific shopping center where the traffic is [inaudible], and it also leaves that if the Publix Shopping Center, the people that own the Publix Shopping Center right next to this decides they want that extended on out through the rest of that shopping center, that we will be accepting that too as a public road and the County to maintain it and not the private sector who built it, and if I'm not mistaken, Mr. Feiler even signed an agreement when he did that and got the permits to develop that property that it was a private road and it would be that way, but we are now changing all of that, and we're getting ready to move it forward and make it a public road for a short section, which I still think is wrong. I know the votes did approve it and most of y'all think it's right, and it's probably because of the individual involved in it, but that's okay. My vote's no.

Chairman Hair said, all right. We don't have a motion yet, but I'll entertain a motion to approve. Commissioner Jackel said, I'll so move. Chairman Hair asked, second? Commissioner Odell said, second. All those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Rivers, Jackel, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Murray voted in opposition. The motion carried by a vote of eight to one. Chairman Hair said, the motion passes.

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

Commissioner Jackel moved to approve a grant variance to the right-of-way requirements of Article VIII, § 805.02 of the Subdivision Regulation Ordinance based on previous action of the Board to accept Jazie Drive as a public road and waive the requirement for a traffic study to determine if Jazie Drive as constructed will provide a satisfactory level of service. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Jackel, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Murray voted in opposition. The motion carried by a vote of eight to one.

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#### **5. REQUEST BOARD APPROVAL OF RESOLUTION IN SUPPORT OF EFFECTIVE DATE OF THIRD STATE COURT JUDGE.**

Chairman Hair said, the only reason I pulled that was I had contact with the delegation this week and they asked us if we would just put --, insert the "by election" in that resolution. That's the only change that they requested. Yes, just "by election," okay.

Commissioner Odell said, whoa, I don't want to do that. Chairman Hair asked, why? Commissioner Odell said, that would mean that the government couldn't appoint, is that true? Commissioner Murray said, that's what it means. Chairman Hair said, well —. Commissioner Odell asked, why are we doing that?

Chairman Hair said, well, I think it's appropriate, at least to me and to most of the delegation, that a judge should be appointed by election, to let the people decide. That's why.

Commissioner Odell said, I appreciate that, Billy [Hair], but that has not been the policy with the last Superior Court judge. That was appointed by the Governor, and most of the judges who [inaudible] this City were appointed, so why is this an exception is my question. They all have to run for reelection. Chairman Hair asked, but did they have the [inaudible] status? Commissioner Odell said, yes. Chairman Hair said, and then that's the system. Well, if the wishes are —, I just think by election is the —. Commissioner Murray said, I would much rather see a judge elected when the position is created. Chairman Hair said, I had too. Commissioner Murray said, I don't want to see, whether it's a Democrat, Republican or Independent governor sitting up there making the appointments in something that affects Chatham County in the law enforcement [inaudible]. Chairman Hair said, and I think that's the —, that was the idea. Commissioner Odell said, well, I think we need to vote on this.

Chairman Hair said, I certainly will vote on it. Do we have a motion to add that? Commissioner Jackel said, I'll move that we —. Chairman Hair asked, add that? Commissioner Jackel said, add that. Chairman Hair asked, do we have a second? Commissioner Murray said, second. Commissioner Jackel asked, add what? Chairman Hair said, to add the "by election" to this. Commissioner Jackel said, oh, yes. Chairman Hair said, okay. 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 Jackel moved to approve a proposed resolution in support of effective date of a third State Court Judge but add the words "by election." Commissioner Murray seconded the motion and it carried unanimously.

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**6. REQUEST BOARD APPROVAL OF A DCA GRANT FOR THE SAVANNAH SAILING CENTER AND AUTHORIZE THE CHAIRMAN TO SIGN THE APPLICATION.**

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve a DCA grant from the Governor's Discretionary Fund for the Savannah Sailing Center in the amount of \$26,580. Commissioner Thomas seconded the motion and it carried unanimously.

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**7. REQUEST BOARD ACCEPT A PEDESTRIAN SAFETY AWARENESS GRANT FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY.**

**ACTION OF THE BOARD:**

Commissioner Odell moved to accept a Pedestrian Safety Awareness Grant from the Governor's Office of Highway Safety in the amount of \$30,000. Commissioner Thomas seconded the motion and it carried unanimously.

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

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. Terminate contract and award contract for lawn care services	Various	Dreamscapes Lawn Maintenance, Inc.	\$19,040	•General Fund/M&O - Library (\$14,720) •General Fund/M&O - Building Maintenance and Operations (\$2,160) •General Fund/M&O - Tax Commissioner (\$2,160)
B. Final renewal to annual contract for cable and conduit installation	Various	Delta Electric	Same terms and conditions	•General Fund/M&O - Various •SSD - Various
C. First renewal to annual contract to provide electrical maintenance and repair services	Various	•SAMCO, Inc. •Joyner electric Company	Same terms and conditions	•General Fund/M&O - Various •SSD - Various
D. Change Order No. 14 to the contract for HVAC replacement and renovation at the Judicial Courthouse for replacement of undersized low pressure ducting not identified during the design phase	Building Maintenance and Operations	Erickson Associates, Inc.	\$18,143.50	Bond Proceeds - Judicial Courthouse HVAC Replacement
E. Final renewal option to annual contract to provide welding and metal fabrication services	Fleet Operations	H & H Steel Company	\$16.50 per hour	General Fund/M&O - Various
F. 25,000 printed bar code cards	Library	Interface Technology	\$25,000	SPLOST (1998-2003) - Library Technology

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
G. Change Order No. 1 to the contract to provide a Day Reporting Center for children under the supervision of Juvenile Court who have been suspended from school to include additional services	Juvenile Court	Chatham-Savannah Youth Futures Authority	\$2,400	General Fund/M&O - Juvenile Court (Children Youth Coordinating Council Grant)
H. Annual "as needed" contract with option to renew for two additional one year terms to provide disaster recovery/restoration	Finance (Risk Management)	<ul style="list-style-type: none"> <li>•ServiceMaster (Primary)</li> <li>•Belfor (Secondary)</li> <li>•Munters (Secondary)</li> </ul>	<ul style="list-style-type: none"> <li>•\$50 per hour</li> <li>•\$75 per hour</li> <li>•\$75 per hour</li> </ul>	Reserve for catastrophic claims
I. Contract for the demolition of County-obtained buildings/structures and the sale of one structure for removal	SPLOST	<ul style="list-style-type: none"> <li>•Atlas Sand and Gravel, Inc. (demolition)</li> <li>•Mr. Wilcher Spikes (purchase to remove)</li> </ul>	<ul style="list-style-type: none"> <li>•\$15,215</li> <li>•\$4,000 paid to County</li> </ul>	SPLOST (1998-2003) - Placentia Canal Drainage Improvement
J. Change Order No. 2 to the contract for engineering services for the HVAC replacement at the Judicial Courthouse for extension of the contract to continue the engineering support	Building Maintenance and Operations	Rosser Fabrap International	\$12,500	Bond Proceeds - Judicial Courthouse HVAC Replacement
K. Deductive Change Order No. 16 to the contract with the construction manager at risk for the construction of the Trade Center	SPLOST	Maritime Trade Center Builders	\$2.1 million	N/A

**As to Items 8-A through 8-I except 8-D:**

Commissioner Odell moved to approve Items 8-A through 8-I, except 8-D. Commissioner Thomas seconded the motion and it carried unanimously.

**As to Item 8-D:**

CHANGE ORDER NO. 14 TO THE CONTRACT FOR HVAC REPLACEMENT AND RENOVATION AT THE JUDICIAL COURTHOUSE FOR REPLACEMENT OF UNDERSIZED LOW PRESSURE DUCTING NOT IDENTIFIED DURING THE DESIGN PHASE; BUILDING MAINTENANCE AND OPERATIONS; SOURCE: ERICKSON ASSOCIATES, INC.; AMOUNT: \$18,143.50; FUNDING: BOND PROCEEDS - JUDICIAL COURTHOUSE HVAC REPLACEMENT.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, Mr. Lynch. Mr. George Lynch said, yes sir. Commissioner Rayno asked, when Erickson Associates did the initial quote, did they have access to the blueprints and diagrams of the building in question? Mr. Lynch said, they had the ones, sir, which were provided to them, the specifications and the plans from Rosser International, which was the design engineer for the job, and they were bid on the basis of that. Commissioner Rayno asked, when an architect designs these plans, do they specify the amount, the size of the air handlers, the ducting in that particular blueprint? Mr. Lynch said, generally yes they do. Yes. Commissioner Rayno said, so Erickson Associates would have had access to the information prior to making the quote, and according to the information, background information I got, they seemed surprised all of a sudden in the middle of the project that there was duct work that happened to be bigger than what they expected. Is that right? Mr. Lynch said, somewhat the reverse. Let me elaborate it if I could. Commissioner Jackel said, no. Mr. Lynch said, thank you, sir. I'll briefly elaborate. Sorry about that. Chairman Hair said, I'll control the peanut gallery over here. Chairman Hair said, very good, sir. Commissioner Murray said, y'all know what George's [Lynch] briefly means though, don't you. Mr. Lynch said, okay, you have two problems. One problem deals with a requirement for 10-inch duct work. The as-built drawings from the old building indicated that was in place. You cannot tell if —, it indicated it was there. It wasn't. Now you can ask the question logically should someone earlier have found it? I guess you could say yes. However, there's an important point. Had it been found, the bid price would have been up by approximately \$18,000. In other words, you need 10-inch, it isn't there, you're going to pay for it one way or the other. Another factor that we allude to in here is high pressure versus lower pressure duct. There I would say I can't say that anyone could have found it unless

they had literally gone through and removed every joint the insulation that was on, and I don't think that would be feasible. Again, the 20-plus year old as-built drawings were not accurate. Did it cost the County any more? I would suggest to you it would not. It would simply have had to be included in the bid instead of in the change order. So —. Commissioner Rayno said, my philosophical problem is the fact this Board has had the history of just approving these change orders in a fact that my dad was in the general contracting business and he would always add in an extra 10, 20% for errors that he might have made in the bidding process to cover such things that might occur. [Inaudible] a government contract, he acted this is an impossible thing to do in the bidding process, and I'm just telling you the Board as a policy should have a thing that says when you come in for a bid, have a plus factor in there so if this comes up we don't our, later on, a —, look to the taxpayers like we're just approving more and more money going out.

Chairman Hair said, okay, Commissioner Murray.

Commissioner Murray said, well, I'm glad he brought this Item D up because I had it circled and just overlooked it when we were going through that, but my question was this is Change Order No. 14. Mr. Lynch said, well, sir —. Commissioner Murray asked, how close are they to completing that project? Mr. Lynch said, they will complete the project in February. Commissioner Murray asked, now how much —, how many total dollars do we have now in change orders? Mr. Lynch said, total amount in change orders, and bear in mind now you have the deductives on there and we have more deductive change orders —. Commissioner Murray said, I understand that. Mr. Lynch said, than we have addition —. Chairman Hair said, just a —, additives. Mr. Lynch said, additives. Chairman Hair said, additives on. Mr. Lynch said, I'm giving you a very quick add here so —. Commissioner Murray said, I can accept that. Mr. Lynch said, it would appear to me that, without taking out the much larger deductives, we have probably about, let's say, \$180,000 in change orders. The budget we are below —. Commissioner Murray said, if I'm looking at these figures correct that were just given to me, the original contract was \$1,566,000. Mr. Lynch said, that is correct. Commissioner Murray said, with all the change orders added and deletions, the total is now \$1,151,910. Mr. Lynch said, yes sir. Commissioner Murray said, which is less than the original contract. Mr. Lynch said, okay, but hold the phone just a second. Don't give us credit for being that good because we aren't. Commissioner Murray said, I'm not. Mr. Lynch said, okay. I don't want to take credit for that. As you recall, we were able to save about 70, \$80,000 by doing a deductive change order with the contractor and then having Chatham County order the chiller units. That gave us a good saving, so what you would have to do, even though there's a nice savings, there sure as heck isn't in the 600,000's because then we went up again. So thank you for thinking we did better than we did, but that was the reason we did it. Chairman Hair said, thank you. Commissioner Murray said, well, on your first change order you had a deduction of over half a million dollars. Mr. Lynch said, yes, that is correct. That's the one that, you remember, where we were able to go out, pay up front, get a saving, net saving on that —. Commissioner Murray said, okay, you deserve to eat on your china plate today. Mr. Lynch asked, sir? Commissioner Murray said, you deserve to use your china plate today. Mr. Lynch said, thank you, sir, I appreciate, and I'll do so with pleasure.

Chairman Hair said, okay, I'll entertain —. Commissioner Odell said, second. Chairman Hair asked, do we have a second? To approve, I've got a motion to approve. Commissioner Thomas said, second. Chairman Hair said, second. All those in favor vote yes —. The Clerk asked, who made the motion, I didn't hear? Commissioner Odell said, I made the motion. Chairman Hair said, Commissioner Odell. Commissioner Odell said, Dr. Thomas seconded it. The motion carried unanimously. Chairman Hair said, okay. Thank you.

**As to Item 8-J and K:**

- J. CHANGE ORDER NO. 2 TO THE CONTRACT FOR ENGINEERING SERVICES FOR THE HVAC REPLACEMENT AT THE JUDICIAL COURTHOUSE FOR EXTENSION OF THE CONTRACT TO CONTINUE THE ENGINEERING SUPPORT; BUILDING MAINTENANCE AND OPERATIONS; SOURCE: ROSSER FABRAP INTERNATIONAL; AMOUNT: \$12,500; FUNDING: BOND PROCEEDS - JUDICIAL COURTHOUSE HVAC REPLACEMENT.
- K. DEDUCTIVE CHANGE ORDER NO. 16 TO THE CONTRACT WITH THE CONSTRUCTION MANAGER AT RISK FOR THE CONSTRUCTION OF THE TRADE CENTER; SPLOST; SOURCE: MARITIME TRADE CENTER BUILDERS; AMOUNT: \$2.1 MILLION; FUNDING: N/A.

Chairman Hair said, all right, Item J and K, we're going to do those together because Commissioner Jackel's concern is the same. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, well, in this first one, in J, the change order it's virtually almost —, almost double the price. I'm very concerned about that, and this again has to do with the air conditioning system, so —. Mr. Lynch said, yes sir, let me address this one specifically if I may. The project had an ambitious schedule. That's always good. We were doing this HVAC project in a building that had to be kept operational every day of the week. Well, not every day of the week, it didn't on Saturday and Sunday. I misspoke. We were working over the heads of courts and everything else. The judiciary and the court functions have been extremely helpful. It's taking us about three months longer than we anticipated. Rosser is doing here the management function. This is where we have them working day to day monitoring the work as it goes in, raising issues with the contractor, doing whatever is necessary. They did not have this in their bid and they had no reason to because we're all guilty of thinking we can do it a little bit faster than we're able to. So that's the reason that you have this.

Chairman Hair asked, any other questions, Commissioner Jackel? Okay, I'll entertain a motion to approve. Commissioner Odell said, I move to approve. Chairman Hair said, motion. Second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion

passes. That takes us to the first readings. Commissioner Jackel said, no, we've got K. Chairman Hair said, I'm sorry.

Commissioner Jackel said, K is one that I just wanted to bring this out because this is one that we're saving some \$2 million, and I—. Chairman Hair said, that's correct. Commissioner Jackel said, we need to announce that, and when we get —, we get the flack on when we spend extra money, and we should get the credit where we save \$2.1 million —. Chairman Hair said, it's not really a savings. Mr. Lynch said, Patrick [Monahan] and I feel the same way. We appreciate kind words. We saved money, but we didn't save two full million dollars worth of money. As you will recall, MTCB kept saying, gee, if you'll let Beers do this we can do it cheaper because we're going to be able to roll in the current hotel price. We took a healthy degree of cynicism. They were unable to come up with as good a price as we got. This, however, was rolled in. No money changed hands, believe me, but it was in the GMP. Chairman Hair said, right. Mr. Lynch said, so if they could do it cheaper than we could, it would have been there. This recognizes that we get the credit, but quite obviously we went out and bought the OCIP, the Owner Controlled Insurance Program, out of our expenses, somewhat similar to that other one. We did good, but not as good as this would suggest.

Chairman Hair said, I'll entertain a motion to approve. Commissioner Thomas said, move for approval. Chairman Hair asked, second? Commissioner Odell said, second. 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:**

1. Commissioner Odell moved to approve Items 8-A through 8-I, except 8-D. Commissioner Thomas seconded the motion and it carried unanimously.
2. Commissioner Odell moved to approve Item 8-D. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Murray, Odell, Gellatly, Kicklighter and Thomas. Commissioner Jackel voted in opposition. The motion carried by a vote of eight to one.
3. Commissioner Odell moved to approve Item 8-J. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rivers, Jackel, Murray, Odell, Gellatly, Kicklighter and Thomas. Commissioner Rayno voted in opposition. The motion carried by a vote of eight to one.
4. Commissioner Thomas moved to approve Item 8-K. Commissioner Odell seconded the motion and it carried unanimously.

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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, RANDE DUKE, AGENT (FOR PAULINE N. CHEADUE, OWNER), IS REQUESTING REZONING OF A 6.1 ACRE PARCEL FROM AN R-A (RESIDENTIAL-AGRICULTURAL) CLASSIFICATION TO A P-R-1-S (SINGLE FAMILY RESIDENTIAL-SMALL LOT SUBDIVISION) CLASSIFICATION TO ALLOW 28 SINGLE FAMILY DETACHED DWELLINGS. THE MPC RECOMMENDED APPROVAL SUBJECT TO CONDITIONS.  
MPC FILE NO. Z-001106-59986-1  
[DISTRICT 6.]**

**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 TO ELIMINATE POSSIBLE ABUSES OF THE MEDICAL HARDSHIP PROVISION THAT ALLOWS A MANUFACTURED HOME TO BE UTILIZED AS A SECOND DWELLING UNIT ON A RESIDENTIAL LOT HAS BEEN DRAFTED FOR CONSIDERATION. THE MPC RECOMMENDS APPROVAL OF THE AMENDMENT.  
MPC FILE NO. Z-001010-34439-1  
[NO DISTRICT - TEXT AMENDMENT UNINCORPORATED AREA.]**

**ACTION OF THE BOARD:**

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

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- 3. **PETITIONER, PAUL H. FELSER, AGENT/CROWN CASTLE COMMUNICATION (LANDINGS ASSOCIATION, INC., OWNER) IS REQUESTING THAT APPROXIMATELY ONE ACRE IN THE SOUTHERN PORTION OF AN 11 ACRE TRACT AT THE LANDINGS ASSOCIATION ADMINISTRATION BUILDING AND MAINTENANCE FACILITY BE REZONED FROM AN R-A (RESIDENTIAL-AGRICULTURE) CLASSIFICATION TO A PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) CLASSIFICATION IN ORDER TO CONSTRUCT A 180 FOOT MONOPOLE TELECOMMUNICATIONS TOWER. THE MPC RECOMMENDED APPROVAL.  
MPC FILE NO. Z-001130-38455-1  
[DISTRICT 4.]**

**ACTION OF THE BOARD:**

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

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**POLICY ON FIRST READINGS**

Commissioner Jackel said, Mr. Chairman, point of order. Chairman Hair said, point of order. The non-discussion was the rule of the last Commission, and I think we ought to vote and see if it would be the rule of this Commission. Chairman Hair said, I certainly wish that —, it saves a lot of time and it doesn't add any —, doesn't detract anything —. Commissioner Jackel said, well, that has been your opinion and mine has been different. Chairman Hair said, well, make a motion. Commissioner Jackel said, okay. My motion is that we do have discussion at the first meeting [sic]. Commissioner Rayno said, second.

Chairman Hair said, okay, I have a motion and a second. All those in favor —.

Commissioner Jackel said, I'd like to have a discussion on this. My feeling has been that we read it at the first meeting, that anybody that's watching on TV or the newspaper has very little idea of what's going on, but if we could have some discussion, particularly by the MPC staff or whatever, then I would start getting calls, well, this is for my constituents one way or the other about it and the information comes in because when we do have the discussion at the second meeting after we've already voted, that's when I start getting the calls. Well, Mr. Jackel, if I had known that was coming up, I'd have told you so and so, or so and so, what I heard at, and the discussion was wrong, or this, that and the other, but it's too late, we've already voted, and I just think this allows the public to have a greater input. Certainly it takes up more time, but I think it allows the public to have a greater input in what's going on. You know, the great thing about our society is, is that we are forced to run for office, and when you get out there what I heard over and over again is how people feel disconnected from what —, from their government.

Chairman Hair said, okay, I'll respond before I —, and then I'll recognize Commissioner Rayno and Commissioner Murray and anybody else that wants to speak. It —, let me —, it does not in any way prevent what you're suggesting on second reading, and we've done it many times. On second reading when those concerns are raised, all we do is we table it at the second reading and we carry it over two more weeks, so you'll still have that opportunity and what you're doing is you're only dealing with the exceptions as exceptions. If you take full debate on both, you are treating all exceptions —. Commissioner Jackel said, I don't think it ought to be full debate, but I think there ought to be more than just a reading —.

Commissioner Jackel said, well, but it's going to be full debate. You're going to have lawyers appear before you, everybody's going to come up and show up, and what it does is it's a very—, it's very inconvenient for the citizens because they have to come up here twice. If they've got a zoning ordinance or anything, they've got to come up here twice to do the same thing, say the same thing, and for those concerns that you have, and it's legitimate concerns, but all you do on second reading if you haven't heard from citizens is you table it, which we've done many times, and then you deal with in two more weeks. So you still have that option. Commissioner Rayno and then Commissioner Murray.

Commissioner Rayno said, we should be able to raise issues and we shouldn't be rushing through items because at these meetings we're talking on spending millions of dollars and making policy decisions that affect people's lives and their neighborhoods and they should have a right to come up the first reading, the second reading, and if there's a third reading, they should have an opportunity to speak and state their position. We're here to represent them, but we should also listen to them, and in the first reading we might raise legitimate questions and find the answers that would make it go to the second reading and be approved rather than tabled every time, and it might expedite the process rather than drag it on.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I have mixed feelings on it. One of mine is that on the first reading I think that we as a Commission certainly should have the option if we think at that particular time that we can send it back to MPC rather than letting it be prolonged and to go further out. There have been some that would like to have been sent back to MPC, but we've waited to the second reading before something came up for discussion before we ever do that. That's one incident where it would save time by doing it. As far as the citizens, I think that you could possibly have limited discussion at the first reading and then have the full-blown discussion at the second reading, but my major concern with it is that we as a Commission or each Commissioner does not have input on that first reading, and I would like to have the input at least to make a motion to send it back to MPC for further study if necessary.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I believe we can save half the people out there, the residents, their time by no discussion on the first and discussing on the second because the people, after we make our initial decision, half the people will either come because they oppose, the other half will, you know, so I believe it actually helps the residents discussing it on the second reading and that way they don't have to come out both times. They'll know whether or not they need to come on the second one.

Chairman Hair asked, okay, do we have a motion? I don't think you made a motion. Did you make a motion? Commissioner Jackel said, I—. Commissioner Rayno said, I seconded Commissioner Jackel's motion. Chairman Hair said, all right, we have a motion and a second that we take full debate or limited debate or some debate on first reading. Commissioner Murray asked, do you want to clarify your motion? Commissioner Jackel said, yes, I'd like to clarify that. That we have a presentation by the MPC staff and we have discussion limited to the Commissioners. Chairman Hair said, okay. Commissioner Murray asked, on the first reading, is that right? Commissioner Jackel said, first reading. Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Commissioners Rayno, Rivers, Jackel, Murray, Odell and Gellatly voted in favor of the motion. Chairman Hair and Commissioners Kicklighter and Thomas voted in opposition. The motion carried by a vote of six to three. Chairman Hair said, okay, the motion passes.

Chairman Hair said, that takes us to second readings. Commissioner Jackel said, we need to have the presentation done by the MPC staff on these three. Commissioner Odell asked, wouldn't that be after this meeting? Mr. Bill Saxman said, I didn't bring the files over so that may help you to make a decision. Chairman Hair said, thank you, Mr. Saxman. Commissioner Jackel said, second readings then. Chairman Hair said, I want to make sure I understand the motion. As I understand it, the motion was that Commissioners only will debate on first readings. Commissioner Jackel said, right. Chairman Hair said, no one from the audience. Commissioner Murray said, we would have the MPC give us a presentation—. Commissioner Rayno said, that's what I understood too. Commissioner Murray said, and then we would discuss it ourselves. Chairman Hair said, I just wanted to make sure, but I'm just telling you that if that's the motion, I will enforce the motion, which means that if you want —, if you have three people out there that want to speak, you can speak but they —. Okay, I just wanted you to understand.

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

Commissioner Jackel made a motion that on first readings that MPC staff make a presentation and discussion be allowed by the Commissioners only. Commissioner Rayno seconded the motion. Commissioners Rayno, Rivers, Jackel, Murray, Odell and Gellatly voted in favor of the motion. Chairman Hair and Commissioners Kicklighter and Thomas voted in opposition. The motion carried by a vote of six to three.

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## **XII. SECOND READINGS**

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.]**

Chairman Hair recognized Mr. Bill Saxman.

Mr. Saxman said, I'll give you a brief summary. Petitioner owns 1,911 acres, which is the entire area shown on the map. They're only asking to change the land uses that were designated back in the early —, in the late 1980's when they had the property rezoned for these areas that are color coded on the front of the property. It basically increases the commercialization by the current PUD district, which is along the frontage of 17. They want to bring in this PUD-IS-B, which is an institutional office district, back into the commercial district. They want to delete the red area here from the commercial district and put it back into the single family development to the rear to create new single family, multi-family district at this point and at this point down here [indicating]. The Planning Commission reviewing this master plan change recommends that the actual zoning outlined here not be carried forth, but they actually rezone the entire property to a PUD-C, which is a planned unit development community, which sets up the particular area based on the master plan, but the Planning Commission worked with the developers and the adjoining property owners and as time goes on, actually going back to a rehearing each time they want to modify those boundaries, and the Planning Commission is recommending and the developer does agree to go with the PUD-C district, which would be similar to what we have in Georgetown, the Godley tract, and there's other [inaudible].

Chairman Hair said, okay. Any questions? I'll entertain a motion to approve. Commissioner Murray said, so moved. Chairman Hair asked, second? Commissioner Jackel asked, what are we —? Chairman Hair asked, second? Commissioner Jackel asked, what are we —? Commissioner Murray said, we're approving the zoning. Commissioner Jackel asked, we're approving the —, MPC's recommendation? Chairman Hair said, we're approving MPC's recommendation. Commissioner Jackel said, okay. Second. Chairman Hair said, all those in favor vote yes, opposed vote no. The Clerk asked, who seconded that? Commissioner Jackel said, I second that. The motion carried unanimously. Chairman Hair said, thanks.

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

Commissioner Murray moved (1) to **deny** the petition of Ralph L. Forbes, Agent (for Union Camp Realty Corp., Owner), 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 and (2) to **approve** the MPC's recommendation that the 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. Commissioner Jackel seconded the motion and it carried unanimously.

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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.]**

Chairman Hair recognized Mr. Bill Saxman.

Mr. Saxman said, well, in summary, this is sort of a housekeeping, but it's also two items that the County Commissioners asked the MPC and the County staff to look into. One was the home occupation within a mobile home park and the other issue dealt with the medical hardship provisions of the ordinance which allow mobile homes to be placed on individual properties, sometimes even under a R-1 classification, which would be a single-family classification based on a hardship for a 12-month period. There have been a couple of occasions that have come up that the hardship continued 12, 15 years and in some cases maybe the individual property owner that started off as a hardship issue has deceased or moved on and someone else moved into that mobile home. This would address that issue. The hardship issue basically was taken out of what's before you today and is coming up at the next meeting two weeks from now, so under the draft that's before you today, I would just recommend, and this is mainly for Sybil's [Tillman] comment for the legal aspect of it, subsection (j) on page 14 not be included in today's language. That would come up in two weeks at the next hearing if that passed, so we would recommend that this ordinance before you today be adopted excluding subsection (j) on page 14, and that would be heard in two weeks.

Chairman Hair said, I'll entertain a motion.

Commissioner Jackel said, well, I've got some -- Is this the same ordinance that we received --? Mr. Saxman said, the hardship case was pulled out of this draft --. Chairman Hair said, it'll be next week, next meeting. Mr. Saxman said, in trying to expedite it, because of a legal requirement of having to advertise, it actually got put behind the cart and it's coming in a week later. If we'd left it in the original draft, it would have been before you today, but we were trying to expedite it, but there was a requirement that we didn't --. Commissioner Jackel said, okay, this is similar to what we had before, but the minimum --, well, it's just --. I had some questions about 8(b), manufactured homes. Mr. Saxman asked, what page is it? Commissioner Jackel said, page 10, all manufactured homes shall be oriented so that the principal entrance faces and is parallel to the street or an approved access easement which serves as the principal access to the dwelling. This requirement shall not be waived. Now --. Mr. Saxman said, that's part of the existing ordinance. Now on page --, at the bottom of page 11 recommending what the new language would be, basically --, I think that language, that's existing language put in there to keep the Board of Appeals from overriding the ordinance by granting variances. It does require that the mobile homes be put in in a manner that would be compatible with single-family builds or site built homes and that they would be parallel instead of just backed in onto a site and possibly the [inaudible]. Commissioner Jackel said, not all the homes are necessarily parallel to the streets and some --, a lots of people, you know, the principal entrance is really their carport entrance and not their front entrance. Mr. Saxman said, well this was --. Commissioner Jackel said, and I'm also disturbed when it says that this shall not be waived. You know, if someone has an oversized tract or whatever, it seems like that might be grounds for waiving some of that. It seems overly restrictive. Mr. Saxman said, well, that was the language that currently --, under the current regulations. It was put in there basically because a lot of citizens were complaining that the Board of Appeals were granting variances in some situations and mobile homes just sort of backed in off the street and they were out of character. Most of the homes are built, the majority of them, where they're parallel to the street and not just a small portion facing the street. Commissioner Jackel said, then under (c), all manufactured homes shall comply with all regulations established for a one-family dwelling in this district. I'm not sure exactly what that means. Mr. Saxman asked, what page are you on again? Commissioner Jackel said, page 10. County Attorney Hart said, (c), 8(b)(c). Mr. Saxman said, (c). Mine doesn't read that way. Mine is placement of the mobile home must be compatible with the established development pattern so as not to adversely affect the adjoining properties. Commissioner Jackel said, well (c) says all manufactured homes shall comply with all regulations established for a one-family dwelling in this district. Mr. Saxman said, that's part of the mobile home park ordinance and, of course, that's --. Commissioner Jackel said, I don't --. Mr. Saxman said, it's required --, your front yard setback, your rear yard setback, and your percentage of open space requirement as far as your building coverage to comply with the residential standards for that particular zoning district. The R-M-H and R-A and the R-A-1 district do allow single-family houses that says you've got to have that thing square footage, septic tank requirements have got to be the same, the setback's got to be the same, parking requirements are the same without creating another set of standards. Commissioner Jackel said, okay, that's what is, it's just as written, but I think it could be written clearer than it is there and that's what it supposed to apply to, that's not what I could get out of it when I read it. I think that needs to be cleared up. I think that's certainly --. Mr. Saxman said, that's your design standards. Maybe we could work with the County Attorney and just get some language there as far as that applying to design standards on the R-1 or single-family housing. Commissioner Jackel said, it says all regulations. I just don't think by their nature that mobile homes can apply with all of them, but those that would be suitable would be --.

Chairman Hair asked, Commissioner Jackel, do you want to table this and bring it back? What do you want to do with it?

Commissioner Jackel said, I've just got one more to go. Chairman Hair said, well, if you just table it, you can make the changes you want to make, if you want to make a motion to table. Commissioner Jackel said, let's get over the last one and then maybe we do need to table it. I've got one to go. (g) The manufactured home shall be provided with a recessed or roofed parched entry way with permanent steps that is visually compatible with conventional single-family construction. If these things are in a mobile home park, why are they having to be compatible with conventional single-family construction? Mr. Saxman said, this is also part of the R-A, R-A-1 and your residential mobile home zoning districts. These are existing standards here. These weren't recommended to be changed. This is existing provisions in the ordinance, so --. County Attorney Hart said, it keeps people from stacking up concrete blocks in front of their house and going in and out. Commissioner Murray said, it has to be safe.

Chairman Hair asked, are you ready to make a motion? Commissioner Jackel said, it also –. Commissioner Kicklighter said, if I can add to that. On the flip side, yes, we have to take care of people in need that has to take care of their family members, but on the other hand it's our obligation to protect the property owners, their property value, and not too many people with a \$500,000 home would be too happy with something pulled up right out there beside it with blocks going up to the steps, and we have to protect both sides there, and I believe that's what this change here is trying to do is to help both parties out. Chairman Hair said, adjacent property. Commissioner Kicklighter said, right, adjacent property owners.

Commissioner Jackel said, if that's what it –, I mean, we're talking about mobile homes but yet they must be visually compatible with conventional single-family construction, but they're not in the same area. I mean, it seems like there would be a standard for mobile homes that they should comply with. Mr. Saxman said, this is the mobile home standard. Of course, you've got about five different recommendations here. One's dealing with hardship issues, one's dealing with mobile home ordinance which the County has adopted and we're recommending to delete one ordinance and maintain the other one, and then we're recommending that the mobile home terminology be changed from trailers to –, these various terms that are antiquated now be brought into compliance with the State and Federal regulations. If you've got a specific point, I'll be glad to, you know, meet with the County Attorney –. Commissioner Jackel said, I think (g) needs to be changed and I think (c) needs to be changed so that they're clearer so we don't have any trouble enforcing them.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I would move that we table this until these changes can be looked at. Commissioner Odell said, second. Chairman Hair said, motion and a second. It's not a debatable motion. All those in favor of tabling vote yes, opposed vote no. The motion carried unanimously.

Commissioner Murray said, I also would like to ask a question, and I don't know whether to ask you or Jon [Hart]. I would like the legal definition of a mobile home. Commissioner Odell said, a home that's mobile. County Attorney Hart said, there is not one. What we tried to do is go back through the State and Federal standards and define it in that act. Commissioner Murray said, well, the reason I asked that is we've had some problems in a lot of areas and where it's a mobile home and then it's not a mobile home. It's an engineered building and then it's something else, and it depends on where it is as to what it's being called, and I think something needs to be on there so it can be defined when this comes up, if a resident claims about something in their neighborhood and somebody's using it for storage, but yet it was originally built as a mobile home, but it doesn't have power going to it, it doesn't have water tied into it or any utilities, then it's not classified as a mobile home anymore, but it still was built as one to begin with and, you know, that's where I'm having a problem with –. Mr. Saxman asked, you mean like a storage shed or a storage –? Commissioner Murray said, it's being used for storage, but it's actually a mobile home. That's what it was built for, but the ruling is that it's not because it's not being used that way, and I just think that needs to be defined because it's not defined and we need a clear definition if somebody calls and then Inspections goes out and looks at it that they will know yes this is or no this isn't. Mr. Saxman said, these are the current definitions from all Federal and State regulations. We'll get together with Gregori [Anderson] and the County Attorney's office and find out maybe the problem is they're moving some of these units in and using them as storage facilities. I think that's –. Chairman Hair said, yes, that's what's [inaudible]. Commissioner Murray said, that's what I'm saying. Mr. Saxman said, well, we'll check with them and make sure maybe we can modify the language.

Chairman Hair said, bring that back at the time you bring the other. Commissioner Murray said, well, I think we need a clear definition on that.

**ACTION OF THE BOARD:**

Commissioner Murray moved to table 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 statutes. Commissioner Odell seconded the motion and it carried unanimously.

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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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**3. INFORMATION REGARDING THE IMPLEMENTATION AND SUCCESS OF THE "SIGN-ON BONUS" AUTHORIZED BY THE CHATHAM COUNTY COMMISSION TO HELP FILL APPROVED SWORN POLICE OFFICER VACANCIES AT THE CHATHAM COUNTY POLICE DEPARTMENT.**

**ACTION OF THE BOARD:**

Written report received as information.

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Thomas, seconded by Commissioner Odell and unanimously approved, the Board recessed at 12:25 p.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel.

Following adjournment of Executive Session, the meeting of the Board of Commissioners was reconvened at 1:00 p.m.

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**ITEMS FROM EXECUTIVE SESSION**

**1. REQUEST BOARD AUTHORIZE SETTLEMENT OF SAILING VESSEL DAMAGES (JONATHAN HART).**

**ACTION OF THE BOARD:**

Commissioner Rivers moved that the Board authorize settlement with Dennis Wrings for damages to a sailing vessel in the amount of \$35,549.65. 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 Jackel moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Rivers seconded the motion and it carried unanimously.

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**APPOINTMENTS**

**1. SAVANNAH ECONOMIC DEVELOPMENT AUTHORITY**

**ACTION OF THE BOARD:**

Commissioner Jackel moved to approve the reappointment of Thomas C. Hester to the Savannah Economic Development Authority with a term which will expire January 7, 2006. Commissioner Murray seconded the motion and it carried unanimously.

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**SECOND EXECUTIVE SESSION**

Upon motion made by Commissioner Kicklighter, seconded by Commissioner Gellatly and unanimously carried, the Board recessed at 1:01 p.m., to go back into Executive Session for the purpose of discussing personnel.

Following recess of the Executive Session, the Board reconvened as the Chatham County Commission at 1:25 p.m.

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**ITEMS FROM SECOND EXECUTIVE SESSION**

**1. BOARD OF TAX ASSESSORS**

**ACTION OF THE BOARD:**

Commissioner Rayno moved to remove Kenneth L. Jayroe, III, from the Board of Tax Assessors. Commissioner Gellatly seconded the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in favor of the motion. Chairman Hair and Commissioners Rivers, Jackel, Odell and Thomas voted in opposition. The motion **failed** by a vote of five to four.

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**ADJOURNMENT**

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 1:26 p.m.

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

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

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SYBIL E. TILLMAN, COUNTY CLERK