

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, FEBRUARY 23, 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, February 23, 2001.

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II. INVOCATION

Chairman Hair said, our invocation this morning is by Commissioner Murray.

Commissioner Frank Murray said, since our last meeting we have lost one of our employees who has done a terrific job over the years, Gary Blake, who was the Jail Administrator, and fought a battle with cancer. Also, our CNT Commander, Steve Smith, lost a grandchild during the same time, and so if we could take just a moment of silence for that and then I'll go into a prayer. After a moment of silence was held Commissioner Murray 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 (arrived approximately 9:28 a.m.) 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, our Youth Commissioners who are in attendance today, we have Renekia Mewborn, who is a junior at Jenkins High School, and we have Lindsey Porter, who's a senior at Bible Baptist. As we go through the deliberations,

if you'd like to say anything or ask a question, just raise your hand and I'll recognize you. We appreciate y'all being here this morning.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. PROCLAMATION TO DECLARE "AMBUCS WEEK."

Chairman Hair said, our first proclamation this morning is to declare Ambucs Week. Ambucs folks come to the front. Well, maybe they aren't here. We'll dispense with that until they come in.

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Chairman Hair said, Ms. Johnson has arrived, President of Ambucs, and I'd like for her to come forward and I'll proceed with the proclamation. I have a special affinity for Ambucs. I'm not a member in Savannah, but when I was in Augusta I was a member of Ambucs for a number of years. They do great work for our community.

Chairman Hair then presented the following proclamation:

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

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

WHEREAS, the Savannah chapter of AMBUCS is celebrating 60 years of dedicated service to all citizens of Chatham County; and

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

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

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim the week of February 19, 2001 as:

AMBUCS WEEK

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 23rd day of February, 2001.

/s/ Dr. Billy B. Hair

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

/s/ Sybil E. Tillman

Sybil E. Tillman, Clerk

Ms. Johnson said, I want to say thank you very much for the Ambucs. We appreciate it.

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2. PROCLAMATION FOR BRIGADIER GENERAL JOHN OLDFIELD, JR., CHIEF OF STAFF, GEORGIA AIR NATIONAL GUARD (COMMISSIONER MURRAY).

Chairman Hair said, our next proclamation is to recognize and honor a distinguished Savannahian who has served very well. I'm going to ask Commissioner Murray if he will join me down front to recognize General Oldfield. General Searcy, if y'all want to join us down front. Good morning. I'll first read the proclamation.

WHEREAS, it is an honor to pay homage to citizens who have dedicated their lives to the defense of our country, and in that respect, we salute with high esteem a native Savannahian, Brigadier General John H. Oldfield, Jr., Chief of Staff, Georgia Air National Guard headquartered at Dobbins Air Reserve Base, Marietta, Georgia; and

WHEREAS, Brigadier General Oldfield completed his early education in Chatham County graduating from H. V. Jenkins in 1960. He was awarded a Bachelor of Arts degree in 1965 from the University of Georgia and a Juris Doctor degree from the University of Georgia School of Law in 1976; and

WHEREAS, Brigadier General Oldfield began his military career when he enlisted in the U. S. Air Force in 1967. He attended pilot training in Enid, Oklahoma, graduating in 1968. His first assignment was to the 817th Tactical Airlift Squadron at Naha, Okinawa, where he served as a squadron pilot and flew numerous combat missions in Vietnam and Cambodia; and

WHEREAS, he has held various positions in the Air National Guard, including Chief of Command Post, Vice Commander, Headquarters, Georgia National Guard, and was promoted to his current rank on June 26, 1993; and

WHEREAS, in addition to his illustrious military career where he has received numerous awards and decorations, Brigadier General Oldfield, in his civilian capacity, is an attorney in the law firm of Oldfield & Associates.

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

BRIGADIER GENERAL JOHN H. OLDFIELD, JR.

upon his retirement as Chief of Staff, Georgia Air National Guard, and urge all citizens to join as we pay tribute to the dedication this man has shown to his country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia, to be affixed, this the 23rd day of February, 2001.

ATTEST:

/s/ Dr. Billy B. Hair

 Dr. Billy B. Hair, Chairman
 Chatham County Commission

/s/ Frank F Murray

 Frank G. Murray, Commissioner
 District 4

General Oldfield asked, should I speak into these or speak out here? Chairman Hair said, either way you'd like. You're the General, you can speak anywhere you want. General Oldfield said, this is totally unexpected and I'm very honored to have this proclamation today. I got a -, actually I was on the golf course looking for the Chairman and Thursday -, Wednesday afternoon, and when I got in the next day he said be here at nine o'clock in the morning and I had no idea what it was about until just now, and I suspect that Chief Murray right here probably had a lot to do with this, and I thank him for it. Commissioner Murray said, I didn't do anything, sir. General Oldfield said, right. But I'm very humbled and I thank all of you, Mr. Chairman and the Commissioners, for honoring me today with this proclamation. Thanks so much. Chairman Hair said, thank you.

Commissioner Murray said, I just want to make a short comment about John [Oldfield]. He is -, when I was up at Headquarters he served in the acting position as Commander and then Brigadier General Walter Corish [inaudible] until they appointed one, and during that whole process he was really a caring person about people, individuals, and not just the fact that he was [inaudible]. He did the job and he was concerned about the people and went out into the field and did things. I got an invitation to his retirement for next Sunday and I could not make it out there, I'll be out of town, and I felt like this would be better to do this here than out there anyway because [inaudible]. General Oldfield said, I'm retiring from the Guard, but I'll be doing other things. Commissioner Murray said, I understand that.

General Oldfield said, thank you so much. Mr. Chairman, may we be excused? Chairman Hair said, you certainly may be excused. That's the first time I've ever said that to a General. General, as you leave, your ceremony is on that Sunday and there's also a conflict, unfortunately, I'm not going to be able to be there either because it conflicts with the investiture of the Grand Marshal, and so please excuse my absence, but I would certainly be there had it not been that conflict. General Oldfield said, that's okay, but we will miss you. Chairman Hair said, thank you, sir.

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3. ANNOUNCEMENT BY C. J. ROBERTS, CEO, MIGHTY EIGHTH AIR FORCE HERITAGE MUSEUM.

Chairman Hair said, we have an announcement by C. J. Roberts, CEO of the Mighty Eighth Air Force. Chairman Hair recognized Mr. Roberts.

Mr. C. J. Roberts said, thank you and thank you for putting me on the agenda this morning. It had been my hope that Buck Schuler, Chairman of our Board, could make this announcement today, unfortunately he's not available, so I'll be reading a letter that he has prepared:

~~Dear Chairman Hair and the Commission Members. I regret that my schedule does not permit me to share this good news in person. We have made arrangements to present~~ our first payment of \$50,000 towards retiring the museum's debt to Chatham County. You are all aware of the challenges that nonprofit institutions face, and the Mighty Eighth Air Force Heritage Museum has been no exception. From the day that we opened we've been extremely successful in fulfilling our important mission of honoring our veterans and educating our children about the price that was paid for the freedoms that we enjoy, but we've also faced many financial challenges. In recent months we've put in place some very important initiatives in the areas of fund raising and marketing. While finances continue to be a challenge, we're beginning to realize the benefits of our hard work. Today is an exciting one for the museum, and our payment is symbolic of our progress. It is also symbolic of our commitment to Chatham County to retire this debt. It is my sincere hope that we will be able to make our second payment in the very near future. Please accept the best wishes of all of us associated with the museum and our appreciation of the Commission's support. Very respectfully, Lt. Gen. A. G. Schuler, Retired.

Mr. Roberts said, thank you. Chairman Hair said, thank you very much. I appreciate that.

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VI. CHAIRMAN'S ITEMS

1. MTCB PERFORMANCE.

Chairman Hair said, we had scheduled the MTCB performance review today and staff's not ready to do that so we're going to asked that that be placed on the 9th.

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VII. COMMISSIONERS' ITEMS

1. STEVE KERNES AND REXFORD M. HUDDY FLETC (COMMISSIONER MURRAY).

Chairman Hair said, the next item on the agenda we have Mr. Kernes and Mr. Huddy from the Federal Law Enforcement Training Center with us today. I'm going to ask Commissioner Murray if he will introduce them.

Commissioner Murray said, yes. Several weeks ago we had Chief Sprague, Major Oliver and our County Manager Russ Abolt come down to FLETC for a meeting and a presentation for them, which Steve [Kernes] will give us in just a minute. Steve Kernes is the Chief of State and Local Programs in the National Center for Training, and Rex Huddy is Assistant Director of the OSL, which is Office of State and Local Programs in that same office, so they both came down today to give that presentation for us, and of course if the Chief [Sprague] wants to add anything to it when it's over that's fine too. I'm not trying to put you on the spot, but if you'd like to, that's fine. Commissioner Murray recognized Steve Kernes.

Mr. Steve Kernes said, good morning, Mr. Chairman and Board members. It's a pleasure to be here. I'll be quite brief about what it is that we're going to talk about, but what I will share with you is what my plans are so that we can get to the end. I'd like to share a little bit with you about what the Federal Law Enforcement Training Center is. It's located 70 miles south of us, I'll talk about that. I'll talk about the National Center for State and Local Law Enforcement Training, which is a component of the Federal Law Enforcement Training Center, and then I'll get down to the point at hand here, and that's a proposal that we've been working on with Chief Sprague. The Federal Law Enforcement Training Center is rather, you know, a unique institution in America. It trains all federal agents in their basic skills with the exception of the FBI and the Drug Enforcement Administration. Those two agencies are trained at Quantico, Virginia. So, therefore, about 74 federal agencies receive their basic federal training 70 miles south of us in Brunswick, Georgia, which we call Glynco, and it's also known as the Federal Law Enforcement Training Center. About 33,000 basic students cross through the gates of FLETC, and we have a small satellite office in New Mexico and another one in South Carolina, so that 33,000 staff that we train

also includes those two sites as well. The primary mission of FLETC is to train the basic skills of federal agents and uniform police officers that would range from small agencies, like the zoological police in Washington, DC, all the way to some of the mainstream law enforcement organizations that you're familiar with, Alcohol, Tobacco and Firearms just being one of many. At the Center we also have 22 federal police academies who have strong presence and offer their significant amount of staff at the FLETC, and that means that they have perhaps as few as, like the United States Forest Service, two or three agents assigned for their police academy, all the way up to Alcohol, Tobacco and Firearms, who are literally in the hundreds, as with the Border Patrol and Customs. One of the ancillary goals of the Federal Law Enforcement Training Center is also to offer advance training to federal agents. As a byproduct of that state and local law enforcement officers have access to that advanced federal training. In conjunction with that –, first, let me back up a second and mention that the Federal Law Enforcement Training Center originated in the mid-70's at Glynco. As the Naval Air Station was closing its doors, the Federal Law Enforcement Training Center moved down from Washington, DC. In the mid-80's the National Center for State and Local Law Enforcement Training was created. It was a creation, an idea that developed through the Department of Justice and the Department of Treasury. FLETC is a component of Treasury so it's odd to have an organization that is created by the Department of Justice and the Department of Treasury and to this day the National Center for State and Local Law Enforcement Training is advised by two co-chairs, one of which is the Department of Justice and one from Treasury. The mission of the National Center as it was conceived back in the mid-80's was to close the gap as the LEA funds were evaporating, which actually brought to State and Local Law Enforcement a tremendous amount of money. I'm sure that Chatham County benefitted in those days whereby maybe vehicles, equipment or even training was infused into the department. This goes back to the early 70's to the end of the 1970's. So as the National Center was created, it was created with that in mind, that the LEA funds had actually dried up and that the Federal Government felt there was a role for us to provide access to training for state and local law enforcement officers as well as provide mainstream training to state and local law enforcement offices around America. And with that the National Center was created and it was placed as Federal Law Enforcement Training Center. The National Center's mission is to train state and local law enforcement officers in advance training throughout America. It's a gem that's hidden in Southeast Georgia that represents all of America. We over the last few years have developed a whole host of training programs whereby we focus on training the trainers in training programs where we train the specialists who then train all over America. We take training somewhere between 50 and 70 deliveries of training to all the 50 states. We think that given that the National Center has a tremendous impact on state and local law enforcement around America, that there's a strong opportunity to bring together state and local law enforcement officers who are in the proximity of FLETC and the National Center to participate with us on our staff at the National Center. Currently we've reached out and the Illinois State Police contribute a state trooper. We have one from Baker County, Oregon, which is the eastern part of Oregon. Glynn County has an officer on our staff. We think that uniting contemporary professional practitioners in law enforcement that it energizes what we do. It allows us to be more contemporary in the training that we offer and also those that come together have a strong network whereby they get to know what's available at the Center as well as meeting others around America and those that they work with in our office from other police agencies. Our office at the National Center is comprised of about half detail people from some other organization. The other half are U. S. Treasury employees, but the majority of us that serve in our office are formerly state and local law enforcement officers elsewhere. We have many officers that have been –, many people on our staff who have been officers with the state police in other states, a sheriff is on our staff, and other types of law enforcement officers, but there's in many cases a 10-year gap from the time that they were practitioners until today, and that's why we are proposing to bring in state and local law enforcement officers to work with us for a one to two-year period to make sure that the law enforcement training that we offer is contemporary, that those that participate with us on our staff actually walk away with some enriched skills for them as an individual, but more importantly their police department. We've been working with Chief Sprague with the proposal, as have we with the Jacksonville Sheriff's office, Glynn County as well, to bring an officer to our –, a detail officer to our staff for a one to two-year period, and we will help that agency that contributes with access to the training of FLETC at the lowest possible cost, and we hope at no cost. Also, that they, the officers who attend, gain professional skills that they wouldn't gain otherwise in curriculum development training and developing a network that actually is nationwide. The benefits of this is so strong. For example, the Illinois State Police have asked us to keep their officer down here another year, and that officer's been with us, I think, he's in his third year with us, and he's a Sergeant with the Illinois State Police. So they have felt a great benefit by having a sergeant from their department on detail in Southeast Georgia for a great deal of time. We're making that same opportunity available to jurisdictions in the periphery of the FLETC, within the commuting area, but we think that the department benefits, and in this case the Chatham County Police Department will benefit greatly from the relationship both on the short term, but on the long term of having contacts within the FLETC, knowing how the system works, and really the tangible gain out of this is that you would have an officer who would probably be certified to train as many as eight different types of training programs and those skills, and that information would come back to your department on the short term and the long term. Another probability that would come out of this is that our training would be delivered here in Chatham County because we deliver all over America, and it wouldn't be any different if you did not supply an officer or a detail officer to us. The training would still be available that we would deliver in here, but I think that it just brings together a very harmonious relationship, one of professionalism and one whereby the County, the National Center and the staff who work within the organizations, both yours and ours, benefit a great deal. So our proposal is to extend an invitation for Chatham County to detail an officer to the National Center and with the understanding that they gain a great deal from their experience on the short term and the long term.

Chairman Hair asked, does anybody have any questions?

Commissioner Jackel said, yes. What is the cost of that? This is –, we detail an officer, but we still pay his salary and everything? Mr. Kernes said, yes, that's correct. How it's been worked at this point, we'll use Glynn County as an example, the Glynn County officer –, well, it's a different situation because they drive maybe 10 miles to work and this case it would

be maybe a 70-mile drive, but they've assigned him, as has the Illinois State Police assigned, the both of them, a unit from their department, that we supply all the office supplies, the computer, the telephone, we pay all travel and transportation and related costs for any of the work that they perform regarding training. It's up to the department, in this case Chatham County, to get the person to and from the work point, namely the Federal Law Enforcement Training Center. Commissioner Jackel asked, and what do they do when they're there? Mr. Kernes said, well, that's —, we —, that's a good question. They will through the course of a one to two-year period be skilled in over eight different specialized types of training programs to be a certified instructor. They will learn more about and hopefully learn new details about creating training that when the person would come back to the police agency here that they would carry those skills back and be a very higher skilled trainer, and we think that the benefits have been, at least the Illinois State Police have indicated this, have been very enriching for their agency as well as their individual.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, yes sir. I was wondering if you've had a problem in the past with people actually getting trained and then kind of leaving their local agency and moving on to a federal position. I guess I've witnessed in the past people who volunteer in a volunteer fire department getting their experience and then moving on to a paid fire department, or volunteering where a municipality or town or whatever it may be, would pay for them to train them to be a paramedic in a volunteer situation, and then, you know, once they're trained, they move on. Have you had a problem with this being a stepping stone in a sense to move on up to a higher federal position? Mr. Kernes said, well, if a person was detailed to us, I can just talk about historically what's happened. We've had a New York Police Department lieutenant assigned to us a number of years ago. That person is employed by the FLETC; however, they went back to their department, served another three years at NYPD, went through the normal process of retirement, and then came to the Federal Government. One of the difficulties there is it took me seven years to get hired by the Federal Government. I hope that that's atypical. I would think that others might be faster. It might be the nature of who I am that they did not hire me quickly, or little more quickly, but it's not easy for people to gain the skills that we have and then jump into a federal job. So to answer your question, in short, we have not seen that occur with any of the relationships that we've had.

Chairman Hair recognized Chief Sprague.

Chief Sprague said, if I could add something real quick with Commissioner Kicklighter and Commissioner Jackel. With regard to Commissioner Jackel's questions on basically what does the County get from that, several things were overlooked. One thing our officer down there, once established, we intend to use as a conduit for training coming up here, both via satellite telecast, we're already working on one with FLETC now that would be dropped into the satellite at the 165th, which is one of three locations in Chatham County that can handle that. We intend to use our training officer here at the department in order to bring that training to all the municipal police departments in Chatham County that will be interested in attending that training via telecast. Also, with regard to the —, outside the fence I believe is the term they use at FLETC, where they bring in professional good quality training for police officers, we can use our training room and also our training officer as a conduit to bring in officers from Garden City, Bloomingdale, Savannah, that might be interested in attending that segment of training, whatever it might be. With regard to the quality of the training, it's up near the top. I've been through the Border Patrol Academy, I've been through the Treasury Agents Academy, did all the Customs, Secret Service, APF I've been to. I was here in the mid-70's when FLETC, when they first broke ground. It's an excellent facility. When I came with the County in '94 with the Counter Narcotics Team, we began to use FLETC when we could get positions available, they're very difficult working from the outside, and we sent officers from the various police departments that were assigned in the CNT to FLETC for the advanced training. It's rather expensive, but it's some of the best training you can get in certain categories. Those are some other benefits that would accrue to the police departments and through those police departments to the citizens that the police officers serve with this program if we can initiate it and go through with it.

Chairman Hair said, you know, my position on this, I think it's —. I really appreciate the folks from FLETC bringing this to us. Before I think we need to act on this though I would like to see —, I share a concern that Commissioner Jackel has. I want to know exactly the cost of what we're talking about because we are talking about not just the officer, but we're talking about a car and driving 140 miles a day and fuel and all those kinds of things, so we are talking some cost, and before we, you know, vote on this I'd like to see us maybe bring it —, have staff bring back to us two weeks from now an absolute actual cost and also the benefits as well. You know, put some dollar values and the benefits we would get, and then we see what we really are voting on. Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, yes sir, Mr. Chairman, that would be right on. This was just our effort to introduce it. Staff will come back with a response and we'll address all those points. Chairman Hair said, okay, very good.

Commissioner Jackel said, my concern is I want to know if we send an officer there what he's going there for. I know we had that training school in Macon, the State Police Training School, and we send a lot officers there. According to what I get from our Counter Narcotics Team, I sometimes wonder if any of them are here in Chatham County. I mean, they go to more schools than I've ever heard of, and that's fine. We need to train them. I'm being facetious here, but, you know, I want to know what they're going up there to learn and what they're going to come back and give that information, and I also believe though that some of that information you've already got people that can come in and probably teach that. So let's be clear about that we know this is going to be a good thing because what means a good thing to you and what means a good thing to me may be two different things. I want specifics. I'd like to see A, B, C, D, this is what they're going to learn, here's what they're going to bring back and teach us, this is not available through other means.

Chairman Hair said, I think that would be part of the specifics in our report. I'll recognize Commissioner Murray.

Commissioner Murray said, yes. I think y'all have asked some good questions, and that was the purpose of this today for them to give the presentation, ask the questions and have staff come back with that report with the information you need to answer those questions. I can assure you though that we've had a number of people sitting on this Commission go through the County Manager and ask different department heads what they're doing for training, how you train your people. This is one way to train probably in my opinion, with one of the highest levels of law enforcement training facilities in the country, and the only reason I know that is because I'm involved down there right now and I've seen what they do firsthand, and not only would they just be a liaison back and forth to the law enforcement agencies in this community if it's worked out and if we agree to do this, but they would also be traveling once they got in place probably all over the country helping to train other law enforcement agencies throughout the country on a lot of different issues, and it's amazing what takes place out there and what the small law enforcement agencies don't know. You would think just because it's a law enforcement agency and everything that's out there and all the assets that are available to them, they don't. Even in Chatham County we don't, and we've got I guess average size departments throughout Chatham County, so that the benefits are there, but I would agree, I think we do need to wait and come back with a total staff report for everyone and any costs that might be involved with that and go from that standpoint, but this was just the initial presentation to the Commission so we'd be aware of what's going on, and I think that with our retired Chief down there from the City would probably understand it more than anyone up here right now of what goes on with training, and that's --, I'm sure that he would probably have some questions as we get closer to it also.

Chairman Hair said, thank you for coming. I also want to thank Commissioner Murray for arranging this. I appreciate you bringing that to us as well. Thanks very much. We look forward to working with you.

ACTION OF THE BOARD:

Staff is to bring back to the Board at the next meeting the specifics of costs involved with regard to the proposal of sending a law enforcement officer to the Federal Law Enforcement Training Center for a one to two-year period and the benefits the County would realize therefrom.

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2. ISLANDS LAND USE PLAN (COMMISSIONER MURRAY). See attached memo from County Attorney.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, since our last meeting and since the County Attorney has rendered an opinion on this, a lot has taken place in two weeks. First of all, let me again reiterate the intent of this and not what a lot of speculation that's been going on throughout the communities and a lot of different groups in the last two weeks since this first came up. The intent of this was strictly for one reason. There is a land use plan --, is anybody here from MPC? Okay, good, well, I'm sorry, I didn't see you behind Jon [Hart]. He's kind of wide. County Attorney Hart said, what can you say, it's the truth, right. Commissioner Murray said, the total intent, MPC is working on an Islands Land Use Plan. Now I assume that that takes the three islands or four islands in that area. I don't know what the outlying borders are exactly yet to that plan, but the reason for this 90-day freeze, and it's probably going to take us close to 45 or 50 days to actually implement this if the votes are there to do it because of the legal criteria that we've got to meet in the process, but the intent was to do this strictly until that new land use plan is in place and has been adopted and we go to that land use plan. It changes --, that plan does not change any zoning. It is a plan on how we would go about future developments within that Islands area, and that is all it's for. Again, there have been people calling and saying, well, I've got a development that I've already been approved to do. It would not have any affect on those developments.. If they've already gone and started that process, it would have no affect on those developments. Milton [Newton], I would hope by us even bringing this up would push the MPC much quicker to go ahead and complete this plan so the draft can be there and be looked at and then we can make whatever changes we need to that and get it finalized, and it's possible, if that is done, that could be done before this would even be implemented, but I would still like to see the Commission approve to start the process of this.

Mr. Milton Newton said, Commissioner Murray, we anticipate calling the first meeting of the Islands Citizens Committee the week of the 12th in order to begin considering the draft proposals, and we will get it to them prior to the --, prior to that meeting. Commissioner Murray asked, and that will be when? Mr. Newton said, March 12th will be when they start, and we would anticipate that it will be completed within probably a 90-day period. Again, it depends in part on how fast that the citizens --, how much they want to discuss the issues, but they are most interested in getting it completed, so I would anticipate that they would move with quite a bit of speed in going through the materials. Commissioner Murray said, I haven't seen the draft so I'm not sure what it looks like, but I would say that if changes were necessary, it would be minor changes because they have been working, from what I understand, with y'all through this process, which has been going on for quite some time. Mr. Newton said, there have been a number of committee meetings as well as neighborhood meetings, and we've incorporated the findings and the comments that have been made at those meetings into the draft proposals for the committee to discuss.

Commissioner Murray said, now I've got a couple of questions for the County Attorney. I read your thing and your writeup on what we have to do to follow the law in order to go through this process. County Attorney Hart said, yes sir. Commissioner Murray said, one of my questions is, if I'm not mistaken, it says the first advertisement could not go in the paper until, I believe, the 28th. Is that correct? County Attorney Hart said, the first time we could –. Commissioner Murray said, and then another one would go on the 7th or the 9th. County Attorney Hart said, yes, the first time that we could be provided would be the 28th for a public notice if y'all decide today, and then a second public notice would be March 7th, and the earliest public hearing would be no sooner than March 23rd. Commissioner Murray said, my question would be, and I know it's not but a couple of days, but if we made a positive vote today to start the process, why would we have to wait until the 28th for the first announcement to go in the paper. County Attorney Hart said, because the way the law reads it can't be sooner –, later than 15 or sooner than 45, and checking the schedule with the newspaper, that's when we would have to put it in. Commissioner Murray said, okay, thank you. Could you go ahead and explain, so the people in the audience will understand, the total process that this has to go through. I mean, we've got it because we got the writeups on it, but what has to be done and when, if everything goes on schedule, when we would make the final vote to approve it.

County Attorney Hart said, well, the imposition of a moratorium as a rule of law requires a number of items. One, you've got to have a public purpose for the moratorium and then, assuming that satisfies the court, you have to have a moratorium that is specific in time. A 90-day moratorium, if you have a good public purpose, there are a number of cases that have supported the 90-day period so I feel like within that period we're okay. This particular moratorium says that if the plan passes within that 90-day period, the moratorium would cease, so there's a potential for it even being a shorter period, which I think is a good factor if the moratorium were to be challenged. The moratorium also does not affect pending applications, which is another requirement involved insofar as being able to enact a lawful moratorium. The part of the moratorium issue that has complicated the situation is that there have been two –, three lower court decisions spread out through the State that have indicated that if you're going to pass a moratorium, the Administrative Zoning Procedures Act, which is as State statute, has to be followed, and that the safest and best way to do a moratorium is to follow that procedure and to also amend your zoning ordinance for the moratorium within that, which will make it much more difficult for an outside third party to make a legal challenge to your moratorium. There has not been a Court of Appeals decision directly addressing that point, but two of the three Superior Court judges that wrote the original decisions requiring us to follow the Administrative Procedures Act now sit on the Court of Appeals, so it's a pretty good indication of what their thinking would probably be if they're on the Court of Appeals. I've talked to other County Attorneys that pretty much concur in how we're handling this so we would basically handle it like we would an ordinance and have first reading and second reading, two public notices and then vote on the resolution. We've attached the resolution to a copy of the staff report that we feel would give us the strongest legal position should we be challenged.

Commissioner Murray said, I've got another question too because this has come up. If someone, an individual, if this were to go in effect, and there was an individual in a residential area with a lot already that already met all the zoning requirements, had met what this new land use plan is spelling out basically, they meet all those requirements, would that be allowed to go ahead and move forward with this? County Attorney Hart said, well, the resolution is written is within that 90-day period we would not issue building permits, but if the particular owner has what they call vested rights within the property, then the moratorium would not apply. Now the definition of vested rights is one that is basically taken on a case by case basis within the courts, but as a general rule if you have a property owner who owns a piece of property that is going through the process of beginning construction has paid any type of application fee or expended sums of money towards the development process, then they would be in a very strong position to allege that they had vested rights within the project and that the moratorium could not be applied to them.

Chairman Hair said, I'd just like to make a statement that basically I made the last time. You know, I was the only vote against this two weeks ago and I'll probably be the only vote against it today, but I just –, and I discussed it with Ms. Heimes. I have great respect for Ms. Heimes and the organization, but I think this is a, you know, a warm fuzzy feel-good, but I don't really think this accomplishes a lot and I think it's going to cost us money. We've got legal ads, we've got legal time involved in it, and there's two reasons. First of all, I think it punishes everyone for the sins of a few. You've got a –, we've got ample laws and ordinances now to protect developers from doing the wrong thing and all we've got to do is enforce what we've got on the books. I don't think this moratorium's going to accomplish anything, and I just think that it's not the right thing to do, but –, I just –. If you really look at it, and when I was discussing it with Ms. Heimes, she said, well, it's only for 90 days. Well, I can use that argument of why do it if it's only for 90 days, it's not going to accomplish that much, and I just think that –, here's my real fear. My real fear is that if we pass this and we go forward that 90 days from now we're going to say, well, the land use plan's not ready yet and –, or we still have some tweaking to do and we've still got some fixing, and then there's going to be a request to go beyond the 90 days, and there's another we need another 30 days, we need another 60 days, and then you're going to run into some very serious legal problems because, I'm obviously not a lawyer, but I've been around a while and if you go beyond 90 days, then you run into some very serious legal problems, and so I think this is the nose under the tent that worries me most of all, and just from a practical point of view. So, I voted against it two weeks ago and I'll vote against it today. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, to address a couple of those things. I can tell you now that if this goes in place and if that land use plan is not done within that 90-day time frame, I will not support going any further with this. Then I think my problem is going to be with the MPC and the MPC staff, and I will express my opinions then. Several years ago I was in favor of doing away with the County support to MPC and bringing it in-house, and if this thing can't be done and completed at a time, and since both of y'all are sitting here, I will say it, I will start pushing again to withdraw County support totally from MPC and create our own. There's no excuse for this to have taken as long as it has. It needs to be in place, and had it been done

when it was supposed to, we would not be going through this process today. That's my personal feelings, but I can tell you, to answer your question, Billy [Hair], I will not support, and you can put it in the record, it can even be in a motion, that we will only do it for 90 days with no chance of coming back and doing it any longer than that. Now the other side to this, and I believe in property rights as much as anyone, but I also believe that if you've got a 100-lot development where people are living in a residential neighborhood and you've got some vacant property in there, yes, both sides have property rights, but why should the property rights of those 100 homeowners be any different than the property rights of that person that wants to develop that one tract of land in the middle of it that's not developed yet? I think there needs to be some protection there. That comes under the zoning stuff which we aren't even discussing today. My feeling is still that I would want to move forward with this, go through the process for that 90 days. It's probably going to be, based on what we're doing now, more like --, well, it's going to be, what, 45 days at least before we even get to that point, before it would even go into effect. Is that right? County Attorney Hart said, it would be March the --. Commissioner Murray asked, March 28th? County Attorney Hart said, 23rd, I think. Commissioner Murray asked, 23rd? County Attorney Hart said, yes sir. Commissioner Murray said, March 23rd meeting would be when we would vote to implement that. Is that correct? County Attorney Hart said, let me make sure. Yes, March 23rd, yes sir. Commissioner Murray said, so that's the process which we have to go through, which is one month from today, so we're still talking 30 days before we ever get to that point, which then gives you a reprieve for 30 days to have the land use plan done, and I think it can be done. I think it should be done. At the meeting we had two weeks ago with y'all and the City, it was said then that it would be 10 days to two weeks that plan, the draft would be out. The draft's not out, is that correct? [NOTE: No audible response was heard.] Commissioner Murray said, okay, so that's what's creating the problem right now. If that had been there, we wouldn't be going through this.

Chairman Hair asked, would you like to make a motion?

Commissioner Murray said, yes, I would like to make a motion that we move forward based on the County Attorney's recommendation and the proper way in order to do this. Chairman Hair asked, do we have a second? Commissioner Rayno said, second. Commissioner Thomas said, second. Chairman Hair recognized Ms. Heimes. Commissioner Murray said, again, I'd like to reiterate in that motion that it will only be for that 90-day period and will not be extended regardless of the circumstances.

Commissioner Jackel said, I don't think that's a proper motion. Chairman Hair said, I don't think it is either, but we amend it. Commissioner Jackel said, point of order.

Commissioner Murray said, just drop that last part out. Chairman Hair said, you're in the record that it's [inaudible]. Chairman Hair recognized Ms. Heimes.

Ms. Marianne Heimes said, my name is Marianne Heimes. I would like --, as I said to Chairman Hair, we have no intent to go further than the 90 days. We don't really even care about that. What we're mainly concerned about is getting our Islands Land Use Plan on the table so we can all see it. It's been three and a half years and some of us have spent a lot of time on it. Let me also respond to Chairman Hair. If the zoning ordinances were enforced we probably would not be here. And a third question: Is this considered then the first reading? Chairman Hair said, no. County Attorney Hart said, no. Chairman Hair said, you've got to do the advertisement first. Ms. Heimes said, so then that will mean two more meetings --. Commissioner Murray said, the 23rd of March would be --. Ms. Heimes said, be the --. Commissioner Murray said, the first meeting in March I guess we'd have the first reading, and the second meeting in March, which is the 23rd, is when we'd have the second reading and the vote. Chairman Hair said, yes, it would take --. Ms. Heimes said, people came today prepared to speak. May they speak or shall they wait. Chairman Hair said, they're certainly welcome to speak any time. The public is --, it might be more appropriate to wait until we actually are voting on the reading, but if they want to speak today and come back and speak again, they're certainly welcome to do that. It's got --, they'll have an opportunity to speak on both the 9th and the 23rd. Our new policy --. Ms. Heimes asked, they are allowed on the first reading --. Chairman Hair said, the Commissioners can speak, yes --. Ms. Heimes said, okay. Chairman Hair said, on the 9th and then on the 23rd anybody can speak. Ms. Heimes said, well, I will leave that up to the people. Chairman Hair said, if they want to speak today that's fine, but we certainly can't take any action today, so --. The action will be actually taken on the 23rd, that's when the official vote will be taken. Ms. Heimes said, thank you.

Chairman Hair asked, would anybody like to --? You'll probably say the same thing today you'll say the 23rd. Okay, we have a motion and a second on the floor. All those in favor of the motion vote yes, opposed vote no. Commissioners Rayno, Rivers, Jackel, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioner Odell voted in opposition. The motion carried by a vote of seven to two. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved to direct staff to advertise for a public hearing on March 23, 2001, to discuss adopting a moratorium on development in Wilmington Island, Whitmarsh Island, Oatland Island and Talahi Island. Commissioners Rayno and Thomas seconded the motion. Commissioners Rayno, Rivers, Jackel, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioner Odell voted in opposition. The motion carried by a vote of seven to two.

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3. FRANCHISING REFUSE HAULERS (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, this is another item that mainly is just putting on the agenda for discussion. During the Christmas and New Year's holidays, and I'm sure I'm not the only person sitting up here that received a lot of phone calls, but there were a number of phone calls about the trash not being picked up by the private haulers, so I did as I normally do when I get complaints, I called the County Manager. He, I think, had asked Robert Drewry to contact the private haulers and see if they could get something done to help get this picked up because it was beginning to cause a nuisance, and there's really nothing that we, as a County, can do on that. We had one individual, and his E-mail is in here, it's in your packet that you have, who had called the Health Department, and the Health Department even said they could not do anything basically. So it's mainly here for discussion. I know some of the private haulers are here, but I do know it was not all of the haulers, but was —, the one that services my particular house did not have that problem, but I do know that they went for about a two-week span with some of the residents where their trash was not picked up and it was stacked in the streets and all over the place, and which I don't think is right. If —, we do not have the authority, this Commission doesn't, to implement anything to do with franchise fees. That would have to be given to us through the Legislature. We have asked for that before, and not just for this particular situation, but for a lot of things. It originally came up about the quality of water service that we were getting through some of the private water systems, and we had no recourse for that either. We've asked for it, but they have not allowed it. But the main reason that I wanted this on the agenda to bring it up to everyone's attention, to have any discussion that anybody might want to have, and I don't know if anybody in the audience wants to speak or not. I've seen some of the haulers, the private companies come in, and they may, and I don't know if any of the residents are out there that have had the problems or not, if they want to speak.

Chairman Hair said, we'll certainly welcome anybody to speak. I think it is important to point out that we couldn't franchise haulers today if we wanted to, and it's too late to get it even to the Legislature this year, so you're looking at any proposal would go to the Legislature next year at the State level, so we're talking about something, and we certainly can discuss it at great length, but we don't have the authority to franchise the haulers today, and it would be something as Commissioner Murray said. Commissioner Kicklighter and then Commissioner Rayno.

Commissioner Kicklighter said, yes, thank you, Mr. Chairman. I'm just curious and I'm sure people —, other people are curious out in the audience and all, what exactly would franchising the haulers do? What would do it? County Manager Abolt said, it would depend, sir, on how the franchise is actually written, how you're empowered. It creates accountability to you versus now no entity. At issue, as Commissioner Murray testified and others, has been that from time to time when something becomes critical that service is normally attributed to either being safety or health sensitive, rather than trying to reach the provider of the service, it is very easy and appropriate for the constituent to contact you as Commissioners, and we are left with really no recourse other than the good will of the provider of the service to respond to requests to come to their aid. Commissioner Kicklighter asked, so would the unincorporated area residents actually pay the County and the County would actually bid out the process? County Manager Abolt said, no sir. That's —, the issue here is just, in effect, governmental regulation control, which may be expansive or very restrictive. An authority granted the power which you currently do not have. Right now, of course, there is no regulation other than where it might get extreme and the Health Department might get involved, but as Attorney has picked up, the only recourse you have is against the owner of the property and in this case the owner of the property is the one that's asking for the service and not receiving it. Commissioner Kicklighter said, well, let me ask this question also. Has the County ever looked at going in that direction with the waste collection. I know out in Garden City what they actually do there is they put out bids, you know, and that way they're able to obtain, I mean, a really, really low price per month for all of the residents. They pick up the trash twice a week with the roll-out carts. That way if someone's not doing their job properly, then the County would have —. You know, it's a double —. County Manager Abolt said, yes sir. You're right —. Commissioner Kicklighter said, really twice as good because you're getting a lower price for the residents and you're also, you have some control if they're not doing their job properly to terminate the contract and rebid, you know. County Manager Abolt said, yes sir. That was —, you remember, that was part of our discussion on the multi-faceted recycling program, but that is a very legitimate option, sir.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, we already have a low price option. It's called the free enterprise system and you have competition out there. If somebody's not happy with their waste hauler, all they have to do is pick up their phone book and get themselves another waste hauler. What we're talking about here is bringing the big arm of government down on these poor people that are trying to make a living. Let's look at other industries. Dentists all take their holidays from Christmas to New Year's. Should we start regulating dentists because they decide to go off on a holiday with their families? Try to get your tooth fixed between Christmas and New Year's. It's near impossible unless you want to pay extremely high prices. So you don't start regulating business because of one incident that happened at Christmas time. I mean, this is not happening year round. This is ridiculous. This whole conversation about regulating the garbage industry is just ridiculous.

Chairman Hair said, okay, I'll recognize the gentleman from the audience. Please come forward and state your name please for the record and anybody else that wants to speak will have an opportunity to do that.

Mr. Barry Anderson said, I am Barry Anderson with Waste Systems of Savannah. I'd like to speak on the garbage incident during Christmas and New Year's. We've been in business going on our seventh year. This was an isolated incident that happened during that time. I assure you we will not get behind like that again. We weren't the only company that got behind during that time of year. You can call any of them and they'd tell you they run a couple of days behind because of the amount of trash during that time of year, but, you know, we were the only company that got more than two days behind, but come Sunday we were caught up with all of our garbage. So I assure you with the personnel and added equipment that this incident will not happen again.

Chairman Hair said, thank you. Thank you very much. I share Commissioner Rayno's viewpoint. I just think this again is more government and I don't think that's the answer to our problems. I think again we've got situations to deal with those situations, but you don't pass sweeping regulation that affects a whole industry just because you have one hauler that has a problem with one incident kind of thing, so -. Commissioner Murray, I'll recognize you for the final comments.

Commissioner Murray said, yes, I think if y'all will remember correctly, when I first started this I said my attempt was not to try to implement something like this today, it was mainly here for discussion, which we have had. Commissioner Rayno, I would like to say, no, I don't think it's ridiculous to have this conversation. I think when you've got citizens that you represent that are concerned about something and they want to discuss it, then that's certainly what we do and that's why we're elected, and it kind of surprised me that you would make that comment of all people sitting up here when you have pushed for some of the things you have pushed for. Nevertheless, I too do not think this is something we need to go into right now. I think the gentleman that just came up and spoke, the message is clear that they need to do a better job with it. As far as the dentist part, I guess maybe I'm fortunate, my brother's a dentist and I go when I had a bad tooth, so -. Chairman Hair said, I bet you get a good rate. Commissioner Murray said, [inaudible], but I think that's with all doctors, and you can't even get an attorney either during the holiday, so, I mean -. I'm not trying to classify the doctors in the same category with our illustrious attorneys, but I think the discussion was there and that was the whole purpose in it. We've got the haulers here, they understand the concerns of the citizens, and I think they will do a better job with that and, I too -, we just can't do that to begin with -, we can't do the [inaudible] to begin with because we don't have the power to, and one thing that you brought up, I would not, even if we got to that point, support franchising if it was going to mean that the County was going to come in and tell somebody how to run their business. The only reason I would even consider supporting something like that is so if something like this did happen we would be able to have some say-so and go in and have it cleared up. But other than that, we've accomplished what we need today I think.

Commissioner Kicklighter said, if I could, I'd like to echo what you just said there. I wasn't suggesting we do that. That was a point of conversation to talk about that.

Chairman Hair said, thank you.

ACTION OF THE BOARD:

Discussion received as information.

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4. REQUEST FROM ISLANDS CITIZENS FOR LOGICAL GROWTH TO WAIVE \$1,180 FILING FEE TO ZONING BOARD OF APPEAL (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, here again this is something that from a legal standpoint I don't believe we can do it, and I didn't find that out until late yesterday afternoon, but at the same time I wanted to leave it on the agenda for discussion because I do feel like a fee of \$1,180 filing fee for a citizen to go, because they don't agree with the decision that was made, before the Zoning Board of Appeal is entirely too high and is wrong, and I know that's part of that whole system that not this Commission but the last Commission approved when we went through that, and again I think there's some stuff in there that we just, quite frankly, did not read, and I think it's something we need to go back and look at this. We can't do anything about this one from what I understand from the Attorney, but I think we can go back and look at it, and if you would come back with some recommendations of how we can clean that whole ordinance up and what we need to do. I don't want to see us go out sticking it to people because they don't agree with the decision, but at the same time I think we should be able to recover our costs out of it.

Chairman Hair recognized Mr. Blackburn.

Mr. Jay Blackburn said, I represent another neighborhood group that has just been hit with this -, in the face with this filing fee, and as a former secretary of the City and County Zoning Boards of Appeals, I will tell you that ninety percent of the actions that come before the Zoning Board of Appeals are single-family home owners in older developed neighborhoods who are trying to make improvements to their houses or make additions to their houses, and because many of their houses were built before the zoning ordinance was adopted, run into problems with lot coverage. The zoning ordinance says you only cover X-percent of the lot and a one-bathroom house you want to add a bathroom, it turns out a lot of times you go five

percent over that lot coverage, and in order to add your bathroom you've got to appeal to the Zoning Board of Appeals, and an \$1,180 filing fee makes that pretty much prohibitive for the normal citizen. Many times it is things like setback lines where a person is building a garage or something on an older lot and there just isn't enough room without encroaching six inches or a foot into the setback lines, and basically these are situations where small private citizens are being aggrieved by the zoning ordinance, and the whole reason for the process was to make the zoning ordinance fair, and putting this type of fee on it is just absolutely unconscionable, and I'm not sure it isn't unconstitutional because there's no provision for an indigent person to make application other than by paying that fee. Even with our courts that generally require a filing fee, if you cannot afford to pay the filing fee and you're aggrieved, there's a mechanism for filing the lawsuit anyway, and there really needs to be something in the zoning ordinance to allow for a pauper's affidavit or something like that, and I hate to say it, but \$1,180 is a bad idea and I sure hope this Commission will do something about it.

Vice Chairman Thomas said, thank you very much. Vice Chairman Thomas recognized Commissioner Jackel.

Commissioner Jackel said, these items came up before this present Commission was constituted. I spoke against it. I said those fees were totally out of line. I have twice requested staff to review the fees and come back. What is happening is people are not coming before the Board. I think they're going ahead and they're adding that garage on, they're adding that bathroom on. They know if they get caught they may get fined \$100. If you had the choice of being fined \$100 for going ahead or paying \$1,180 fee, most people are just going to go ahead and say they're probably not going to do anything about it, and we're not. We haven't brought a single case, but you can go all over the County and see where people are violating the ordinance. We've got to get these in line. Now let's try and understand this fee of \$1,180. If I want to file a suit whether I want to sue someone for \$50 or \$10 million in our court system, the filing fee's \$75 and \$25 for the Sheriff to serve them. So if I lose my suit, if I file under \$15,000 in Magistrate Court and I want to appeal it to State Court or Superior Court, the fee is \$75. If I'm the State Court and Superior Court and I want to appeal it to the Supreme Court of Georgia, the fee's only \$100. Now how can those fees be reasonable and \$1,180 be considered reasonable. There's no way. It's just totally out of proportion to what's involved. Now in this case we have the Citizens for Logical Growth on the Island requesting the waiver of the fee, and they're the ones that would have to come up with this money, but it just as easily could be a builder who didn't like the decision to enforce his rights to have to pay that fee. This fee was wrong when I voted against it when we had those fees proposed last time, and it's wrong now. I've been trying to get something done about it, but we haven't. It's a hindrance on growth in this County and compared to the other fees that we charge, one of the attorneys I was discussing with this [sic] brought up a good point. He said if his burglar alarm goes off at his home or his office and the police come by and there's no one there, he doesn't get a bill from the City or the County, whichever it's in. He says that's a part of what he pays his taxes for. To operate this Board is part of the reason why the people pay their taxes, and an \$1,180 fee is just wrong. The other fees we have in there are way too high. I don't think there's any justification for them, and as soon as we finish with this discussion, and I'm in favor of waiving it, I understand the County Attorney doesn't think it's property, but if someone wanted to take us to court over that, I'll worry about that later, but I think we need to waive that fee at this time, and when we're through with the discussion I'm going to make a motion to we instruct staff to review the fees and come in with a more realistic fee schedule.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, if it's --, I believe it's my understanding that the fees were actually increased to cover the costs, you know, of appeals and everything. I believe possibly with a fee this high, we've defeated its purpose because people are not going to file with it being \$1,180, so we're actually losing revenues so we're not covering the costs there. So rather than setting a precedent today and actually waiving this fee, I believe this Board could actually drop for all board of appeals, drop the fee down to whatever, \$200, \$250, and you would have to actually generate --, and I'm talking across the board, not just for this group, but you would actually generate more revenues to cover the cost of expenses because someone's not going to pay \$1,180 to come in and take a chance on whether they can build a restroom or put a carport up. But with \$250, yes, more people would come in and that should actually cover the cost better than we're doing with this fee this high. So I would --, I guess I can't make the motion now, but I would like to see us actually reduce the overall number for everyone rather than totally dismissing it. That way it would be fair across the board and actually generate more revenue than [inaudible].

Chairman Hair said, I think it would be very difficult for us to do anything today because we don't know what, you know, we'd have staff go back and look at it and I think --. Commissioner Murray and then Commissioner Odell.

Commissioner Murray said, based on discussions and then after I make this motion and after we vote I'd like for the County Attorney to make some comments too if he would about your ruling on it. County Attorney Hart said, sure. Commissioner Murray said, but I would like to make a motion that we take this particular ordinance and send it back to Russ [Abolt] and Jon [Hart] to work together to go back through the total ordinance and come back with something that's fair because it seems like we're coming back over and over with different situations that keep popping up about once every month or so and it needs to be corrected so we don't have this problem.

Chairman Hair said, all right, we have a motion. Do we have a second? Commissioner Rayno said, second. Chairman Hair said, I recognize Commissioner Odell first and then we'll vote on the motion.

Commissioner Odell said, just for clarification, would we take not action under your motion on the \$1,180? Commissioner Murray said, well, we cannot --. No, my motion does not have that in there at all and I think --, well, there's some legal reasons for that and I think Ms. Heimes is aware of that at this point and the County Attorney is aware of it, and I don't think

it's something that we would really need to discuss out in the open meeting at this point other than to give your reason for --.

Chairman Hair said, the motion is to just to send it back for review and bring back another --, that's what the motion is and we have a second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Ms. Heimes, did you want to say anything?

Ms. Heimes said, I do. We --, if we have to accept the ruling that we need to pay this fee in order not to jeopardize our appeal, we will do so very grudgingly. I had prepared this already. We would ask you to ask Attorney Hart to relook at these fees and see if they may not prevent due process to citizens who are not wealthy who wish to appeal. Now, this is for paperwork to be done. Okay, we pay the MPC a salary to do paperwork. All right, and the paperwork's already been done on this. So it seems a bit extreme to have to pay a nearly \$1,200 to do that, but anyway if that's what we have to do, this is what I would like to request for our fee. We would like minutes from the last six board of appeals meetings, all information on file regarding the acreage in question from the beginning of its zoning history, all tapes and minutes from any MPC and County Commission meetings regarding the project, and an updated copy of the zoning ordinance.

Chairman Hair asked, is this a freedom of information request? County Attorney Hart said, yes, technically it would constitute one. We would respond to that. The only --. Ms. Heimes said, without paying for it. Chairman Hair said, we'll --, you've asked and we'll have the Attorney review it, your request, and we'll proceed. County Attorney Hart said, we have no problem supplying it.

Commissioner Kicklighter said, Mr. Chairman, with the motion to actually table this matter --. Chairman Hair said, it's not tabled. Commissioner Kicklighter said, I mean --. Chairman Hair said, it's not a motion to table, it's a motion to send back to the staff --. Commissioner Kicklighter said, send it back. Chairman Hair said, yes, it's not a motion to table. Commissioner Kicklighter asked, would --? Chairman Hair said, this would not affect this fee. Commissioner Kicklighter said, from my understanding then, wouldn't it be in their best interest to just wait until maybe the next meeting? Chairman Hair said, that's their decision.

Commissioner Murray said, well, you can't because the ordinance states that you've got a certain amount of time to appeal issue that's out there. Chairman Hair said, okay. Commissioner Murray said, they met that deadline by doing that. The only thing they were requesting was to waiver the fee, which based on the County Attorney's opinion we can't do right now because that [inaudible] --. Chairman Hair said, your request --, let's have the County Attorney --. Commissioner Rivers asked, what is the time line? Chairman Hair said, let's have the County Attorney explain his ruling and then we'll move on. We've already voted to move --, so we have --, explain your ruling.

County Attorney Hart said, well, there's no provision within --, in order to change the fee structure, y'all are going to have to amend the revenue ordinance and you're going to have to have two readings and typical like any ordinance change. That's number one. Number two, in this particular ordinance there is no provision for the waiver of fees period. This is a contested matter in which Ms. Heimes' group feels very strongly about their position, the developer organization feels very strongly about their issue. We have been inundated this week by legal positions of the various parties. We have responded to open records requests in which we have provided both sides with what the other side says about the other side in regard to their legal position, but our ordinance requires the fee. If this body waives that ordinance and waives that fee, it will jeopardize the appeal rights of one of the parties and insert itself into a procedural situation that it does not need to be involved in.

Commissioner Kicklighter said, okay, my suggestion is not to waive the fee, but I guess my question was could they actually --, but they'll run out of time I guess. Chairman Hair said, yes. Commissioner Kicklighter said, I was thinking hopefully we could change the fee structure and then they could apply with the less, you know, but they would actually run out of time to appeal it so that --. Chairman Hair said, well, we've already passed the motion. The motion is to send it back to staff --.

Commissioner Rivers asked, could I ask a question. Chairman Hair recognized Commissioner Rivers. Mr. Hart, can we waiver that time frame for them to appeal if we adjust that, or let it ride? Mr. Hart said, no sir. In this type of a contested case, in fairness to both sides that are contesting the matter, they need to stick to the process because there would be unattended consequences of whatever benefit you may be trying to help both sides. It would give the other side a legal opportunity to use for or against however that decision was made for the other side. We are aware of the fee structure situation. At the time we passed this ordinance we were concerned about the mom and pop situation, and with instructions we'll be glad to go back and look and see if we can discern a way to modify that ordinance to address that.

Chairman Hair said, yes, that's what the motion was so --. Do you want to make a quick comment, Ms. Stone? Very quick because we've already voted on it.

Ms. Helen Stone said, I understand. I'm Helen Stone, and when this was proposed, this fee increase, we did share some very deep concerns as to how this was going to affect the individuals, but I do want you to bear in mind that this is how, part of how the MPC is funded now are through these fees, and so if these fees are altered, then it does affect the budget of the MPC.

Chairman Hair said, well, that will be taken into consideration when we vote. Thank you very much. Now before we get into –.

Commissioner Jackel said, I want a point of clarification for the County Attorney. I'm not quite sure why you said the waiving of the fee might jeopardize the case. County Attorney Hart said, because in order to appeal the case you've got to make a filing fee. If you don't make the filing fee, you're not in court. It's a jurisdictional requirement right off the bat under our current ordinance. Commissioner Jackel said, all right. Would we have the authority then to refund the fee? County Attorney Hart said, that would have to be something that would have to be –. Under the current act, no, absolutely not, you do not.

Commissioner Kicklighter said, and if I may add on that, we could open up a whole new can of worms and have to refund to a lot of people that's paid this extraordinary fee.

Chairman Hair said, I think we all recognize the problem and I think we have made the appropriate motion today. It passed unanimously. I think every –, all of us agree it needs to go back, it needs more work, so I think we just need to move on.

Commissioner Murray said, I think what it's doing, it's kind of like the votes last November that you want to change the rules in the middle of the counting, and you can't do that, and this has already started the process, and what you're saying we can't go change the rules in midstream, we have to wait until this is over with, but we can change the ordinance, [inaudible] the adjustments there to –. Chairman Hair said, correct. Commissioner Murray said, to take care of this in the future. County Attorney Hart said, yes sir, and, you know, the County really doesn't have a position one way or the other for either one of the parties –. Commissioner Murray said, well, I understand that. Chairman Hair said, okay.

Commissioner Jackel said, I'd like to get –, I'd like to get a copy of the fees, current fees. Chairman Hair said, okay.

ACTION OF THE BOARD:

Commissioner Murray moved to send the Revenue Ordinance back to staff with regard to the development fees for their review and revision and bring proposed amendments back to the Board for consideration. Commissioner Rayno seconded the motion and it carried unanimously.

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5. GRANT APPLICATION FOR PROJECT AZUKA, INC. (COMMISSIONER ODELL).

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I'd like for Pandora Singleton if she would come up. We're very close to not have a quorum here. Chairman Hair said, we've got five. Do you want to wait? Commissioner Odell said, no, we can go ahead. Let me just tell you basically what this is. The Governor's Council on Children and Youth has set aside money and those funds are to be used to improve the conditions for youth, as the bill defines youth. Project Azuka is requesting that we give consent to their application for a \$50,000 grant. The grant will be used to do peer counseling for children or persons 13 to 18 regarding AIDS and HIV. The cost to the County is zero. There are no matching funding requirements from Chatham County, so to us the cost is nothing. The benefit, we're hopeful that we can educate peer counselors between the ages of 13 and 18 and use them to counsel to stop the epidemic growth of AIDS in this community. Pandora [Singleton], correct me if I'm wrong. Is that basically a quick overview?

Ms. Pandora Singleton said, very good. The only thing that I would want to add to that, Commissioner Odell, is that we're targeting very specific populations because of the risk factors and because of the growth of the epidemic in a particular age group, and also it's gender specific. So this is a pilot program and the population that we'll be targeting with this particular current process would be female youth between those ages that reside in public housing. As with a pilot project we want to be able to evaluate it very well so that we can establish it long term, but from all the focus groups and conversations that we've had with young girls residing in those areas, this is a process they think that they would be comfortable with, something they're interested or expressed an interest in doing, and with our epidemic, especially with women being the fastest growing population ever in the history of the epidemic, and the largest segment of that being people under 24 years old and also growing faster is female adolescents, so that is why we're targeting this, and we think that our agency is in a good position to do it. We've been in business now almost seven years. We target women of African ancestry almost exclusively, and I think our strength in this is that we are who we serve.

Commissioner Rivers said, so moved that we support that application, Mr. Chairman. Chairman Hair said, well I don't think he's made a motion yet. Have you made a motion? Commissioner Rivers said, I just made it. Chairman Hair said, okay, you made the motion. Commissioner Odell said, I'll second it. Chairman Hair said, okay.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, I just want to make a comment. I'd just like to say that I'm very much aware of Project Azuka. I know that this is a very worthwhile organization, and I wanted to congratulate them for undertaking such activity because there is a dire need in our community to zero in on this type of thing, and I think the age –, the ages that you stressed is so important that we target them in such a way, hopefully that we can make a dent in those diseases and things like that.

Chairman Hair said, okay, we have a motion and second. All those in favor of the motion –. Commissioner Murray said, is that just –, there's no funding involved? Chairman Hair said, no, no funding, it's just –. Ms. Singleton said, we're actually doing the writing of the grant and be applying –. Commissioner Thomas said, it's just giving support. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, thank you, Ms. Singleton for coming. We appreciate it. Ms. Singleton said, thank you.

ACTION OF THE BOARD:

Commissioner Rivers moved that the Board support the application of Project Azuka, Inc., for a grant from the Office of the Governor's Children and Youth Coordinating Council in the amount of \$50,000 to do peer counseling for children ages 13 to 18 regarding AIDS and HIV. Commissioner Odell seconded the motion and it carried unanimously.

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6. SUPERIOR COURT ADMINISTRATOR, DANNY DELOACH EXPLAINING BUDGET ADJUSTMENT (COMMISSIONER ODELL).

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I'll wait until Danny [DeLoach] gets up to the podium. Chairman Hair said, he walks kind of slow doesn't he? Mr. DeLoach said, good morning. Commissioner Odell said, good morning, Danny [DeLoach]. Before we start, let me just give an overview as to why you were requested to come. At our last meeting the Clerk of Superior Court indicated that the records which are now being handled by Case Management were being transferred to the Clerk of Superior Court's office. That was the justification in part for a pay adjustment for individuals in her department. When I asked whether or not the people from Case Management who had performed that filing function would be transferred to Superior Court, she said that they would not. My question is in that a major function which was being performed by Case Management has been transferred to the Clerk of Superior Court, which she used to justify a pay adjustment for her people, she said that the court was in the process of determining how those people would be used. My concern was whether or not our staff had been involved in that determining how those people would be used, and that's the purpose of your appearance today.

Mr. Danny DeLoach said, basically, Commissioner Odell, those folks that were performing that function have been assigned new functions. We were getting into the area of civil case management. They'll be used in the oncoming startup of the drug court. It's planned to start next year, and in the domestic relations area as well. As you know, we started an ADR program about two years ago with Dan Massey. Mr. Massey's had the sole responsibility of screening cases going to ADR. These folks were relieved of a minor duty and are being assigned three other duties in the area of the Case Management. So that's what's taking place. Ms. Prouse came to us, actually when she first took office, wanting her files back, I think was the term, and we've had them in Case Management. We saw this as a win/win situation where she inherited some folks from the Child Support Receiver's office some months ago, and these folks are actually the ones that are performing those duties now. The duties they are performing, I understand, are merely clerical in nature. They're entering data into the civil files. My people are still entering the data into the criminal files. So it's just a shift of duties. We saw it as a win/win.

Commissioner Odell said, and it's not a total shift of duties, and my only concern was that I had mistakenly believed that this was the majority of their responsibility. Your clarification is that it is a very small part of their duties. Mr. DeLoach said, very small part of their duties. Commissioner Odell said, and that which they have transferred will be substituted by the ADR and the drug court, which we desperately need in this County. Is that it? Mr. DeLoach said, that's true. Commissioner Odell said, then you've answered my question and I don't have any problem with it.

Chairman Hair said, thank you, Mr. DeLoach. We appreciate your appearance. Mr. DeLoach said, thank you.

Commissioner Jackel said, I'm still concerned with what's going on here. Chairman Hair said, okay. Commissioner Jackel said, some how it seems like we've added employees. Mr. DeLoach said, I haven't added any. Commissioner Jackel said, you haven't added any employees, but you've lost some –, some of the function that you were handling is now being handled in the Superior Court. We've added people there because of that. You haven't lost any employees. We've had a net gain in what's going on here. You know, if every department was doing that sort of thing, we might double our staff in five years. Something's not right about it.

Mr. DeLoach said, well, like I said, these employees were formerly working for the Child Support Receiver's office, but the State took over that duty some nine months ago, and Ms. Prouse absorbed those employees. I had no –, no function there at all about it. Those are the employees that were formerly performing another duty that's been abolished.

Commissioner Jackel said, okay, but I remember going to Case Management and they would open up the file and they would set up all this stuff and they would enter it into the computer and about 20 minutes later I would get the case number and the file back together. Now I go to Superior Court and they're handling all that function. And that was a big function. Mr. DeLoach said, right --. No, they're not. My Case Managers are still handling the management of the case. They will still perform that duty if you come into the office. The people that Ms. Prouse hired are merely entering the data out of the files and into the computer. Commissioner Jackel said, it seems like I go to Superior Court now and that's where they open the file. I don't go to Case Management any more. Mr. DeLoach said, they have actual files there. What they did was [inaudible] off a good fifty percent of my Case Management office, so I not only donated the space, but she has the people. Commissioner Jackel said, Harris [Odell], do you get the feeling that we've added employees in a roundabout way?

Commissioner Odell said, I think we've added people, but I don't think it's Danny's --, I don't think it's Danny's [DeLoach] department that's done it. We added people approximately nine years ago --. Is it nine years Russ [Abolt]? County Manager Abolt said, about that, yes sir. Commissioner Odell said, about nine years when we started Case Management. Case Management has a valuable function. We did not downsize the Clerk of Superior Court. They did other things. I think the Clerk's office has grown, and I don't think that Case Management has grown. What I think we can do, if Russ [Abolt] could provide each member a copy of the staffing for Case Management and Clerk of Superior Court over the last seven years and if there has been justification for increase, if those could be footnoted to that request, I think it should answer certainly my questions and hopefully Martin's [Jackel].

Chairman Hair said, well, it needs to be --.

Commissioner Jackel said, well, my situation as I see it, the Superior Court Case Management is not handling the function that they handled. Mr. DeLoach said, one function taking on three. Commissioner Jackel said, that may be, but they were --, those functions were already there, and so in effect you've had --, you've increased those three functions by giving up part of it. We've had to hire people where the new work went. Mr. DeLoach said, they were already on board, Commissioner. She had those people working in her office. Commissioner Jackel said, we had to reclassification --, reclassify and promote and pay additional money.

Commissioner Odell said, well, why don't we just wait until we get the data, Commissioner Jackel, because I think that's --, we need to get the data and then we can discuss in greater length. Commissioner Odell said, and we need both --. Chairman Hair said, both courts. Commissioner Odell said, Danny [DeLoach] and the Clerk of Superior Court --. Chairman Hair said, yes. Commissioner Odell said, to return, and I'd like to see the summary of the functions that were transferred. I would presume that y'all have had meetings and have --, there was a consensus as to what functions would be moved from your area to her's and vice versa. Mr. DeLoach said, yes sir. Commissioner Odell said, I'd like to see a copy of those functions. Mr. DeLoach said, sure.

Chairman Hair said, we can make that part of the staff report when we come back.

ACTION OF THE BOARD:

Staff was requested to gather information to be brought back to the Commissioners on staffing in Case Management and the office of the Clerk of Superior Court.

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ORDER OF BUSINESS

Chairman Hair said, I need a motion to add Dr. Thomas to the --. Commissioner Odell said, so moved. Chairman Hair said, Commissioner's Items, to report on the Youth Commission. Commissioner Odell said, so moved. Commissioner Kicklighter said, second. Chairman Hair said, motion and second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

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COMMISSIONERS' ITEMS (continued)

7. REPORT ON YOUTH COMMISSION (COMMISSIONER THOMAS).

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman and members of the Commission. I will be very brief. I just wanted to make you aware of the fact that the Chatham County Youth Commission will be traveling to Washington, DC, again this

year to participate in the National Association of Counties Conference, as they did before. They're also going to be extending their trip to New York, and let me give you a brief –, some brief information on this. They will be participating while in Washington on various committees assigned by the National Association of Counties committees. They've already selected the committees that they want to participate in. They will also have dialogue with Senator Zell Miller, Senator Cleland and Representative Jack Kingston. They will have an opportunity to tour the United Nations Building and see how that operates and also go to the New York Stock Exchange. And while I am speaking, right now they are making plans to have –, the Secretary of State General Colin Powell has indicated an interest in meeting with our Youth Commissioners at that time as well. I just wanted to make you aware that this is coming up on March 4th. We'll be leaving on Sunday night by way of bus and we'll be returning the morning of the 7th. We have 39 participants.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, Priscilla [Thomas], do you have a list of those committee assignments? Commissioner Thomas said, yes, I can get them. Commissioner Rivers said, I would like to know who's –. Commissioner Thomas said, on what committee. Right. Okay, yes we do.

Commissioner Odell asked, and can you tell us what people are from our district so that if we –, like –, I know there's several from the Fifth District, and if I had their names and address I'd like to –. Chairman Hair said, yes. Commissioner Odell said, you know, maybe meet with their parents.

Commissioner Thomas said, very good. We've had excellent support from the parents and other volunteers and we're excited about this. It's a learning experience for them and they hope to come back with some good news for you.

Chairman Hair said, thank you, Dr. Thomas. As always, this is a wonderful program that you started, and we all owe you a great deal of respect for that. That completes –.

Commissioner Jackel said, before we leave that. I support what you're doing and I appreciate the hard work involved. My concern is I haven't seen the cost of this or budget for this. Chairman Hair said, it's in our regular budget –. Commissioner Thomas said, it's in the regular budget. Chairman Hair said, I believe, isn't it, Russ [Abolt]? I think it's already been approved. Commissioner Thomas said, that's not the –. Commissioner Jackel said, that's the total cost. I haven't gotten the breakdown on what this trip is going to cost per student. Commissioner Thomas said, it's not –, the County's not paying in full for this. The parents are paying half of this. Commissioner Jackel said, that's fine. I need to know –. Commissioner Thomas said, yes. Commissioner Jackel said, I need the financial breakdown before I can vote for it. Commissioner Thomas said, okay. Chairman Hair said, well, it's not vote –. Commissioner Thomas said, we're not voting. I'm just alerting you to what's happening, but we'll give you that information, Commissioner. Commissioner Jackel said, okay. Commissioner Thomas said, no problem.

ACTION OF THE BOARD:

Report received as information.

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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. SECOND READING. REQUEST THE ADOPTION OF AN ORDINANCE TO REGULATE COIN-OPERATED AMUSEMENT DEVICES/MACHINES WITHIN THE UNINCORPORATED COUNTY LIMITS.
[NO DISTRICT - TEXT AMENDMENT UNINCORPORATED AREA.]**

Commissioner Murray said, I'd just like to make a motion that we remove Item #1 under Tabled Items from the table. Commissioner Odell said, second. Chairman Hair said, we have a motion and a second to -. Staff did not recommend that. The Commission recommended it. You're not -. County Manager Abolt said, you all put it on the table last time indefinitely, so it's your action. Chairman Hair said, we have a motion and a second to table [sic]. All those in favor of removing it from the table vote yes, opposed vote no. County Attorney Hart said, to untable. Commissioner Jackel said, to untable. Chairman Hair said, to untable, this is a motion to untable. Commissioners Jackel, Murray, Odell, Gellatly and Thomas voted in favor of the motion. Chairman Hair and Commissioners Rayno, Rivers and Kicklighter voted in opposition. The motion carried by a vote of five to four. Chairman Hair said, the motion passes.

Chairman Hair said, let me read it in the record. Request the adoption of an ordinance to regulate coin-operated amusement devices/machines within the unincorporated County limits. Okay, Commissioner Murray.

Commissioner Murray said, the reason I wanted to untable this is we were not allowed to ask the individual, Mr. Barras, when he was up here expressing his feeling about this ordinance, any questions or anything about the comments he had made, and quite frankly after listening to him, and him saying that he would lose 95% of his business if this were implemented, is absolutely wrong because 95% of that business he was talking about is within the City of Savannah and the City of Savannah would not be affected by this ordinance. It's only being effected in the unincorporated area. The reason for that ordinance was to limit the use, age and some other things on video gambling poker or video poker machines only. It was not this whole realm of things that he kept talking about. I personally would like to see us go ahead and vote on it, but I don't know how the rest of the Commission feels at this point, but I just mainly wanted my -, I really wish that I had had the opportunity to ask him some questions so he could have answered the questions last week. Unfortunately, we were not allowed that. Chairman Hair asked, what questions do you have? Commissioner Murray said, my question was he kept -, everything that the man brought up, every issue he brought up was within the City of Savannah with his business. It had nothing to do and we were being told that we were going to cause him to lose 95% of his business. The building that he was talking about that he was building, that's not in the unincorporated area, it's in the City. Most of his equipment is in the City, it's not in the unincorporated area. Yet we tabled the motion with no more discussion on it and we couldn't even ask him any of those questions. I feel like -. Chairman Hair said, if you want to make a motion, make a motion. Commissioner Murray said, well, I wanted to see if anybody else on the Commission has any of the feelings I have with it.

Commissioner Rayno said, the other thing I felt was that you kind of rushed through it, Mr. Hair. You kind of -. If anybody makes a motion to table something like this, which was highly charged and there were still other Commissioners that wished to speak, at least we would give other Commissioners that latitude to -. Chairman Hair said, Commissioner Rayno, I make no motions under the law. I can't make a motion or second a motion. I didn't make the motion, I didn't second the motion to table. Okay? And under Robert's Rules of Order the motion to table is not debatable, so I don't make the rules. I enforce the rules. Commissioner Rayno said, but if you see that someone might have some other comments, you could kind of persuade a Commissioner to not table it. Chairman Hair said, well, that's your job to persuade, Commissioner, not my job. If you want to make a motion, let's entertain a motion.

Commissioner Murray said, I would like to move that we adopt this ordinance as it was presented to the County Attorney and the County Manager. Commissioner Rayno said, second. Commissioner Jackel said, second. Chairman Hair said, motion and second. All those in favor of the motion vote yes -. Commissioner Odell said, unreadiness. Chairman Hair asked, what? I don't think it's a good idea either. I don't think we have the people here, you know, but if that's what you want to do, that's what the majority wants to do.

Commissioner Kicklighter said, I would just like -. Go ahead. Chairman Hair said, you can make a motion to table if you want to. Commissioner Kicklighter said, well, I'd just like to say I don't think it was ever the County's intent to hurt local businesses. Chairman Hair said, well, that's what this does. Commissioner Kicklighter said, and it was to strictly regulate these coin-operated machines from coming across -, gambling devices. I believe the State of Georgia has now tackled this issue with the gambling machines, and I just really don't think, and to hear Mr. Rayno earlier talking about hurting local businesses, hurting this, hurting that, costing more, here we have people standing in front of, local businessmen that have contributed for years, telling us how it's going to hurt them, and because we just want to take something off the table and put people right out of business when the State of Georgia's handling this is a terrible thing to do. Here's a person that's contributed for years, Chuck E. Cheese, Pizza Hut, Pizza, you name it. Commissioner Rayno said, all in the City of Savannah. Commissioner Kicklighter said, these little machines -. It does not matter. Chairman Hair said, if they were out of the City it wouldn't make any difference. They'd still be affected. Commissioner Kicklighter said, you could [inaudible] from the unincorporated areas with an ordinance such as this, which will cost the County money in the future. You've got to look at everything. We can't hurt businesses around with our decisions if it's not warranted. Let's let the State of Georgia take care of the gambling devices and us take care of our business people here and [inaudible].

Chairman Hair said, Commissioner Odell and then I'll take a vote.

Commissioner Odell said, I totally agree with Mr. Kicklighter. The initial intent was that we have here that when they closed the coin-operated machines across the bridge that those people would flock over here, and we have created an ordinance that we have no identifiable problem and we have put a major bomb to solving no identifiable problem, and, Martin [Jackel], I know you disagree. I think the State has looked at this. I think that the hypocrisy of our controlling little vendors who have coin-operated machines, and I don't know any personally, when the State of Georgia has a lottery, I mean, we're --, to me that's confused thinking. If our purpose is to make everyone comply with our moral standards, this ordinance doesn't do it. It does not do it. This ordinance is a feel good, excessive attack upon an individual's right to operate a business, which we have not in the past perceived as a problem. I'm adamantly opposed to it.

Chairman Hair said, I am too. I also --, before I recognize Commissioner Jackel, I will also say I think --, I don't think it's legal. I think this ordinance is too restrictive. It don't think it will pass the legal test. I think it's going to cost a lot of money in legal fees to defend it. It's not legal, it's too restrictive, and I'll recognize Commissioner Jackel.

Commissioner Jackel said, well, I hope you'll keep an open mind. We're talking about video poker machines, and there's an old song that rhymes with P and rhymes --, it starts with P and that rhymes with T and that spells trouble, and we've got trouble right here in River City. It starts with P and rhymes with T and that spells trouble. We didn't take this thing up a year ago, two years ago when they were closing down the video poker in South Carolina. We took this up because we were having complaints about these convenience stores adding more and more of these machines that were video poker type machines, but saying we're not letting anybody really gamble on these things, we just --, if they win a couple of times, we give them a pack of cigarettes or something like that. It wasn't true. We believed that we had these video poker machines operating here in this County and some of us, like myself, were convinced that we did not need that here. Now, Harris [Odell], I can't --, can't tell you about the lottery because I was against the lottery, but the lottery is regulated as to age, it is regulated as to location. We don't --, we asked the County Attorney not to ban the coin-operated machines, not the traditional type of machines that are out there, we asked for an ordinance that would restrict video poker type machines. We don't want the gambling here in Chatham County. We don't want that type of gambling here in Chatham County, and I don't believe my constituents want that, and I don't believe yours do or anybody else up here wants that type of video poker gambling, and that's what this --. Commissioner Odell said, some of mine want that. Commissioner Jackel said, this is --, some of yours may, but I don't think the majority of them --. Chairman Hair said, some of yours do too, Commissioner Jackel. Commissioner Jackel said, some of mine may, but I think the people in this County and this State are yet, to my knowledge yet the State has not passed anything outlawing the video poker. They're still considering what they're going to do. I think it's time we step up to the plate and say we're against video poker because, let me remind you one more time, it starts with P and it rhymes with T and that spells trouble.

Chairman Hair said, Commissioner Kicklighter and then I think we're ready to vote after Commissioner Kicklighter.

Commissioner Kicklighter said, yes sir, I'd just like to state for the record that Commissioner Jackel is talking about video poker. Unfortunately, this ordinance brings in all video game machines, so we're actually --, the ordinance regulates Pac-Man and --. Commissioner Odell said, everything. Chairman Hair said, everything. Commissioner Kicklighter said, everything, Pizza Hut. So, yes sir, on your point of what you're saying that looks to the camera, protecting them from gambling or whatever, but it essentially, with your P's and all, you're protecting Pac-Man from a place also, and you're hurting local businesses. That's the part --, I'm not stating my opinion about the video gambling because, you know, that's a definite debate there all in itself. This is about the little games that are going on in all of the restaurants around, and unfortunately out of a good intent of the Commission to regulate the gambling part, the innocent things have been drawn in, and that's what we need to protect by voting no on this motion.

Chairman Hair said, Commissioner Murray has the floor.

Commissioner Murray said, I would disagree with a lot of those comments. First of all, I don't think because a business wants to do it means they should be allowed to do it regardless of what the circumstances are. Are you saying that any business that wants to do anything they want to can go in there and do it and because that's going to increase their business we should allow it? Is that what you said? Commissioner Kicklighter said, no. Commissioner Murray said, that's what it sounded like. Commissioner Kicklighter said, absolutely not. Commissioner Murray said, and I would also like the County Attorney to clarify some of that. The way I understood it, the only thing that we were actually regulating itself were the video poker games. That's what all this came up about and that's why it was limited to X-amount of machines in the particular type business, where that could be located and what age.

County Attorney Hart said, the video poker machines are not considered gambling devices under the current State statutes. So what we did was define these as coin-operated vending machines. The definition of that would not just cover a video poker game but would cover a machine in which it returned anything of value for more than \$5.00 or which the restaurant gave food or services for more than \$5.00. Technically speaking, if you had a restaurant that wanted to have the Pac-Man payoff of the decade, that machine could possibly fall under the ordinance. When we wrote the ordinance the last time, and unfortunately we did not know that this was going to come off the table today, and the latest version of that ordinance is --. Commissioner Murray said, well, we didn't realize it was going to be tabled that quick with no discussion at the last meeting. County Attorney Hart said, I'm not --, you know, all I'm saying is the ordinance is not in here. I'm getting my staff to get it back because in that ordinance if you elected to pass it, we were at the point that there were three or four items in that ordinance that we needed y'all to tell us what you wanted to do about the number of machines within a location and --, I can't remember some of the others that were just policy decisions.

Chairman Hair said, let's go ahead and take a vote.

Commissioner Murray said, well, I would like to make a motion to table, but I don't even want a second until after I finish it. The reason I want to do that is so you can come back and bring the information you need, and at our next meeting we will bring it up and take a vote, one way or the other.

Commissioner Jackel said, I'd like to –, so what you're telling me, in response to Commissioner Kicklighter, is that if someone wants to play Pac-Man and you don't win any money from playing Pac-Man, that that's fine. County Attorney Hart said, correct. Commissioner Jackel said, all right. Did you hear that? If you want to play Pac-Man –. Commissioner Kicklighter said, [inaudible]. Commissioner Jackel said, if you want to play Pac-Man all day long that's fine, it's just if you're going to get a prize over \$5.00, then we've got trouble. County Attorney Hart said, or you get something returned out of the machine for it.

Commissioner Kicklighter said, if I could state one thing on that. I believe if you take one of our local restaurants, which is technically in Savannah, but could locate in the unincorporated area, which is a Chuck E. Cheese, tickets are redeemable from these little innocent games, which they can obtain prizes for over \$5.00, any time they want so that could deter future business from locating here.

Commissioner Jackel said, any of our kids [inaudible] gambling, then I'm against it.

Commissioner Murray said, I'll make a motion to table to the next meeting with everything I said, and I just want you to understand, Dean [Commissioner Kicklighter], that I waited for you to make the comments you wanted to before I made that motion. Chairman Hair said, all right, we have a motion –. Commissioner Rivers said, second. Chairman Hair said, we have a motion to table and a second. All those in favor of the motion to table vote yes, opposed vote no. Commissioners Rayno, River, Jackel and Murray voted in favor of the motion to table. Chairman Hair and Commissioners Odell, Gellatly, Kicklighter and Thomas voted in favor opposition. The motion to table failed by a vote of five to four. Chairman Hair said, the motion does not table. Now I'll entertain a motion –.

Commissioner Odell said, I'll make a motion that we deny. Commissioner Kicklighter said, second. Chairman Hair said, we have a motion to deny the ordinance. All those in favor of the motion to deny will vote yes, opposed will vote no. The Clerk said, I'm sorry. Who seconded that? Chairman Hair said, I think Dean [Kicklighter] did. Commissioner Rivers said, Dean [Kicklighter]. The Clerk said, thank you. Chairman Hair and Commissioners Rivers, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno, Jackel and Murray voted in opposition.. The motion to deny carried by a vote of six to three. Chairman Hair said, thank you.

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Commissioner Jackel said, Mr. Chairman, just a point of clarification. I asked previously the County Attorney to render an opinion on Robert's Rules of Order on negative motions. We have –. County Attorney Hart said, I apologize –. Chairman Hair said, it wasn't a negative motion, it's just a –. Commissioner Jackel said, I believe –, my understanding of Robert's –. Chairman Hair said, it's just disapproving the ordinance. Commissioner Jackel said, Rules of Order, negative motions are not allowed. Chairman Hair asked, so we can't disapprove something? Commissioner Jackel said, well, it takes someone to make a motion to approve it and then you can vote against it. If there's no one makes a motion to approve it, then it fails for lack of a motion, but it's my understanding that you –, a negative motion is not –. Chairman Hair said, I don't think that's true. We can ask the Attorney.

Commissioner Murray said, I think your point's well taken, but it's obvious the votes aren't there anyway regardless of how we do it. Commissioner Jackel said, well, I understand that, but –. [Unintelligible comments were made when several Commissioners began speaking at the same time.] Chairman Hair said, you've got to learn how to count to five, Martin [Jackel].

County Attorney Hart said, Commissioner Jackel did ask me that, and I apologize. It slipped my mind, but I will certainly look at it. Chairman Hair said, all right, he will get you a ruling on that.

ACTION OF THE BOARD:

1. Commissioner Murray moved to untable Item # 1. Commissioner Odell seconded the motion. Commissioners Jackel, Murray, Odell, Gellatly and Thomas voted in favor of the motion. Chairman Hair and Commissioners Rayno, Rivers and Kicklighter voted in opposition. The motion carried by a vote of five to four.
2. Commissioner Murray said, moved that the Board adopt an ordinance to regulate coin-operated amusement devices/machines within the unincorporated limits of Chatham County, as it was presented to the County Attorney and the County Manager. Commissioner Rayno said, second. Commissioner Jackel said, second.
3. Commissioner Murray moved to table this item to the next meeting. Commissioner Rivers seconded the motion. Commissioners Rayno, River, Jackel and Murray voted in favor of the motion to table. Chairman Hair and Commissioners Odell, Gellatly, Kicklighter and Thomas voted in favor opposition. The motion to table failed by a vote of five to four.

4. Commissioner Odell moved to deny the ordinance regulating video poker machines in the unincorporated area of Chatham County. Commissioner Kicklighter seconded the motion. Chairman Hair and Commissioners Rivers, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno, Jackel and Murray voted in opposition.. The motion to deny carried by a vote of six to three.

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* **2. PRESENTATION ON PROPOSAL TO LICENSE BUILDING CONTRACTORS STATE-WIDE AND OTHER ITEMS.**
Tabled at meeting of February 9, 2001.

Chairman Hair said, I need a motion to take presentation on proposal to license building contractors state-wide and other items off the table. Commissioner Odell said, so moved. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

Chairman Hair said, before I turn this over to --, who's going to make the presentation? Before I start out with you, I just want to make a statement. I read in the Atlanta paper a couple of days ago that the Secretary of State has taken a neutral position on this issue. She's not going to support it or oppose it. I'd just like to restate my position on this. I think this is again the big hand of government coming down. I think that we have ample rules out there, regulations and laws to protect people, and I think licensing contractors is not a good idea and I would oppose it. Chairman Hair recognized County Manager Abolt.

Commissioner Jackel said, I'm not aware of the law. Can you cite that for me? Chairman Hair asked, what? There are a number of them. Commissioner Jackel said, if a builder doesn't have a license, we can't pull his license. So if he gets sued or if he does something wrong he can go to someone else and build another crummy house. What law would prevent him from doing that other than taking a license? Chairman Hair said, if he's building faulty houses, then we've got a problem with our Inspections Department and Engineering Department because they're the people that's supposed to enforce this and if they aren't enforcing it, then --. Commissioner Jackel said, that's not true. They inspect it for safety. There could be other problems other than that than what they inspect for. If there is --, I mean, you say there are other laws that will deal with this. I would like you to instruct the County Attorney --. Chairman Hair said, I'll give you a personal --. Commissioner Jackel said, or whatever that rule of law or something is that there are all these laws out there. Chairman Hair said, Commissioner Jackel --. Commissioner Jackel said, all these laws mean 10 or 20 or 30 or --. Chairman Hair asked, are you going to let me answer or do you want to keep on talking? Commissioner Jackel said, yes, yes, yes. Chairman Hair said, I'll give you a personal example. I had tremendous problems with my house when I was building it, and I was able to resolve all of my problems without licensing any contractors. There were ample opportunities for me to fix my problems without licensing contractors. Commissioner Jackel said, but that is not my question. My question is if we have a contractor that preforms poorly, we don't have --, if he had a license we could take his license from him. Chairman Hair said, we're just going to respectfully disagree on it, okay. Commissioner Jackel said, just as we can with a plumber or an electrician or an attorney or a doctor or anyone else. We license them for a reason. I'm not aware of any rule, regulation or statute that if a contractor does a shoddy job, that we can prevent him from doing --, from building another shoddy house for another house right after that. Now if you're aware of it, I'd like to know. Chairman Hair said, we're just going to respectfully disagree, Commissioner Jackel, because there are ample rules to take care of that. The other thing is this. If you --. Commissioner Jackel asked, well, why can't you cite me one? Chairman Hair asked, f you license contractors, is that going to cause good contractors to build any better houses than they build now? The answer is no. Commissioner Jackel said, I agree with that. Chairman Hair said, good contractors are always going to build good houses. Commissioner Jackel said, I agree with that. Chairman Hair said, and licensing is not going to affect their performance whatsoever, and --, we have plenty of opportunity within the current system for us to correct our problem. Now I do believe that we have not done a good job of enforcing our own laws and that's the problem, but making new ones is not the answer. We need to enforce the ones on the books and we've done a terrible job of that in my opinion, and we've got cases out here in this audience that reflect that, as well as my case reflects that. So we've got plenty of rules out there. If we had enforced what was on the books, these ladies wouldn't have had a problem, and we just --, here again it's more regulation, more government on the hands --, on the backs of businesses and I just don't think it's a good idea. Mr. --, let's have the proposal presentation and then we'll have ample opportunity to discuss this.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, this is a major policy decision you are called upon to make today if you choose to make it, and really the conversation that's ensured at your level is very insightful as to what the issues are. Georgia is the only state in our neighboring states that does not have licensing. This issue has come before the County Commission in at least the last decade on more than one occasion, and it's fraught in large part with what Commissioner Jackel has said. Initially, interest was that everybody that works on the house, all the subcontractors are licensed, but the general contractor is not. Anybody who chooses can call themselves a builder of homes and there's no certification, no qualification, no assurance to any person out there that wishes to have a home built for them that the person is at least licensed. That's a minimal requirement in this ordinance. There are issues that go beyond just what the County does through Inspections and Engineering having to do with the quality of construction, the timing, the delivery, all the things that create satisfied customers and unsatisfied customers. There are issues that transcend the regulatory responsibility and

authority of the County Commission. Licensing is a legitimate alternative if you choose to follow it. It has been my experience over the last many months getting at the very issue the Chairman has alluded to that there is in my estimation a very strong need to license. I feel that it's only acceptable from the standpoint of those in the business should not shy from licensing, they should welcome it. It's a way of providing some guarantee. Not licensing by the County, but licensing by the State itself. No different, quite frankly, than the subcontractors, but the real issue is, you know, is the customer at the end of all this going to have recourse if they have been, in their own estimation, treated poorly, and that is the issue. Do you want to add licensing at the State level as another option in the event that there was poor performance, and the licensing probably would be an issue not between Chatham County and the State, but between the individual purchaser, the buyer, the consumer. In our meetings with the local homebuilders they have been very receptive to the issue of licensing, though I certainly understand that they have certain limits in that endorsement, but there is certainly nothing wrong or inappropriate about requesting licensing by the Legislature. It is a decision that they must make. Candidly, though, I must admit that absent licensing there are a variety of situations that have occurred in the past that unfortunately will occur in the future for which this County has no recourse, nor can we counsel a homeowner or want-to-be homeowner that had a bad experience other than seek legal counsel. And sometimes that's the way to go, other times it's not, and I can defer to Mr. Hart or Mr. Anderson on the specifics of it. Mr. Hart has drafted the legislation proposal. It is generally consistent with the general constraints of the Homebuilders Association, and they're here to testify, but at issue is here whether or not you want to proceed with approaching the Legislature to have the State license builders much in the same fashion as subcontractors are licensed.

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

Commissioner Odell said, I totally agree with, Russ [Abolt], what you've said. We can attempt to say that this adds an additional layer of government, but that argument doesn't hold up, does not stand the test. As a licensed attorney when I go to get my hair cut, most of the people who are cutting hair are expert attorneys on criminal law. They have never been trained in it, they've never gone to school in it, but they are expert as to criminal law. It's folly to believe that if an electrician has to be licensed, that the overall building contractor does not. You know, this is a problem which we need to correct. If, as an attorney, I failed to uphold the minimum standards, then I can no longer do that. It's called disbarment. It is a way of controlling those people who say that they are experts in the industry. If you are a building contractor, there should be a standardized way of measuring a general level of knowledge. I think we are obligated to provide that. I have had many cases in which people that walked out of prison, couldn't determine what they were going to do, got them a pickup truck, bought them some lumber, and went around passing themselves off as contractors to renovate elderly people's homes. This is the problem that we need to address. This, I think, is what government should do. Dentists are licensed. It is some way of standardizing what level of knowledge, minimum level of knowledge that's required of them. We owe it to our constituents to make certain that fly-by-night people just don't float in here. Anybody now can say they're a contractor. I can go to Reidsville and follow the first five prisoners that leave Reidsville Prison, and I can do stationery and I can call them building contractors and there is absolutely nothing that anyone can tell me about that. There are no other laws —, the statement that there are other laws to control it, it isn't. You'd have to try those under the theory of breach of contract or negligence, and then that doesn't prevent or preclude the person from floating down to Frank's [Murray] house after he just ripped me off and doing the same thing. And say he ripped two of us off —. Commissioner Murray said, you'd probably send him to me. Commissioner Odell said, I was thinking you would send them to me, Frank [Murray]. But the point is that we need to have some control over this, and I really hope that you seriously look at it. It's not layer of government. Anyone that holds themselves out as an expert, we need to be able to test that expertise.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, yes, I guess this question would go to the staff. What would this actually do to the person that's the regular homeowner that wants to contract his or her own home? Would they actually have to go out and hire a contractor which would cost them more money? County Attorney Hart said, no. Section 5 of this act —, staff was directed to try to come up with an act on the regulation of this, and what we basically did was sat down with the Homebuilders Association and told them that this was coming, are there parts of this thing that y'all can agree to or not agree to or, you know, give us your input so that you've got something that works within the real world structure. I must say they've been very cooperative. They're probably more supportive than what you'd probably see at the national level in regard to that. Mr. Fawcett's been very helpful along with others. And then once we did that, we looked at the other state regulations of sister states and other states and we tried to draft what we thought covered in general major portions of issues that seemed to reoccur. We knew there was going to be much comment and much discussion and if it got to the State Legislature, there would probably be much lobbying and much redrafting. We did an exemption provision under Section 5 of this ordinance that basically exempts the United States Government and the State of Georgia, it exempts the owner of a residential purpose that is adding on to his bona fide residence or if he chooses to build his own house, we exempted an owner or tenant of a commercial building if he chose to do that himself, we exempted those persons that would install a finished product, such as a dishwasher or whatever that would become a fixture of the house, and we exempted a person who individually has a hired handyman that would work, you know, around an apartment complex, so we've added some exemptions that I think would protect the individual in regard to having to comply with this.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, listening to the discussion, some of it came back about a general contractor does not have to be licensed, yet your plumber does, your electrician does, several others. If we don't do this, does this mean that we'll just go back and say we don't have to license them either? [Inaudible comment by another Commissioner.] Commissioner

Murray said, well, I know we're not. That's my point. I've got --, I gave Jon [Hart] a week or so ago a copy, I believe, of Valdosta's licensing and I also have one right here from Columbus, Georgia, that gives --, the way they've implemented theirs. I know the discussion right now is basically about doing this from the state level, but I thought we were also talking about doing one in Chatham County to protect those citizens within Chatham County regardless of what we did statewide or not. County Manager Abolt said, our proposal certainly to this point has always been do it at the state level, and this was out of discussion with the homebuilders and the feelings that it might be some unnecessary infusion, and at least the direction so far has been to craft this at the state level. Commissioner Murray said, well, that's all well and good, but I think that it's going to be a long process going through that and I'd also like to see us at least start working on drawing one up, and I will pass this on to you after the meeting, that we can do for Chatham County, as Valdosta and Columbus have done and I think several other areas within the State have already done. County Attorney Hart said, yes sir. Commissioner Murray said, the other point I'd like to make, and maybe if the homebuilders are here, and I'm sure they'll let us know, and y'all might agree with this, I don't know, but to me I could not understand why anyone in any business would want --, not want to put things in place that would help to protect them as business people especially the quality of stuff, and I know the ones that are in here that I've seen so far do a quality job, would not support something like this. I know --, not this Commission and not the last, but we had a Commission since I've been serving that it came up and we voted among ourselves to implement an ethics policy for the Commissioners. I'm not saying that any of us thought the other one was going to do something. It was a policy we thought we had to put in place for the trust of the people in this community that we represent, and it's in place today. This is not saying because we want to do something like this that you're doing something wrong, but I feel very strong that probably a general contractor is one of the only professions throughout this community or throughout the State that is not licensed. A barber, a beautician has to be licensed, why shouldn't a general contractor be licensed?

County Attorney Hart asked, may I make a comment to one of the things Commissioner Murray brought up? The comments that we have received back in regard to the County regulating this situation at the local level rather than at the state level have been twofold. One, the cost of administering a statute that is sufficiently uniform to do something, i.e., you have the enforcement section of it, you have the testing and qualifying for the licensing part, and you have the administration portion of the continuing legal education element of that. There will be a cost associated with all of those factors. That is not to say it should or should not be done. That is just the reality of the situation. The other comment that has been broached by several of the builders who have been overall supportive of the process is their concern that it would be regulated at the local level, thereby we have an ordinance that affects unincorporated Chatham County and perhaps as many as eight municipal ordinances all of which that conflict in regards to their requirements, and that has been the criticism of the homebuilders in the Columbus area and apparently in the Valdosta area is that many of their bigger builders, better builders have a tendency to spread out over a one, two, three county area in regards to their building and they have inconsistencies in having to requalify for testing at various locations, and that is why this initial concept was if we could get some type of State regulation, we would have a uniformity spread across all the counties in the State.

Commissioner Murray said, and I think it should be that way, but my other point is though, I'm sure working with the municipalities and with the unincorporated area, we could possibly come up with the same if in fact it can't be implemented through the State. I certainly would not expect to do something like was done on the Stephens-Day Bill and have a different bill for every municipality in the unincorporated area. It just doesn't work.

Chairman Hair said, okay, Commissioner Rayno and then we'll hear from the homebuilders.

Commissioner Rayno said, I'm getting a strong sense that wanting to put another layer of bureaucracy into the whole mix is a smoke screen for the real problem in Chatham County, which has been our Inspections Department, a failure to follow the Building Code because the Building Codes don't meet technology standards to keep up with the standards that are current and also the fact that over time in the real world inspectors get very comfortable with builders regardless of whether they're licensed or not, and they may choose not to look at the mechanicals up in the attic to see if it's put in properly or they might choose not to inspect the leech field out in the backyard to make sure that it's actually got perking capability rather than just an effluent line that's going out the other end of the septic tank. That familiarity leads them to not do their job properly and that leaves the homeowner in a very precarious situation. The other thing that could happen, you could have a licensed builder who's subcontracting to these carpenters, plumbers, electricians who do substandard work and the homeowner's feeling that everything's fine, but since they have a cozy relationship again with the Inspections Department, things get passed that shouldn't be passed. The real problem in Chatham County is in the Inspections Department. It needs to be stricter. What we're talking about here is a lawyer of new bureaucracy, new taxes, more income. It's going to [inaudible], this holding the thing we're trying to create. I'm totally against it, and this is not the function of government.

Chairman Hair said, thank you, Commissioner Rayno. Mr. Fawcett, are you going to be the spokesman or Mr. Konter or Mr. Lopez? Who's going to be the speaker? Or Patty? Commissioner Murray said, I'd rather Patty be the speaker. Chairman Hair said, I'd rather Patty be the speaker too. Oh, we've got Jerry [Konter]. Okay. Commissioner Murray said, she looks a lot better than --, no offense, but she looks a lot better than you do. Chairman Hair said, also I saw Patty's husband the other night and he told me we'd better take it easy on her today. He's a big guy so --.

Mr. Jerry Konter said, I'm Jerry Konter and I'm representing the Homebuilders Association, the Savannah Homebuilders Association. First, I want to address the actual legislation that's proposed and then maybe I can answer some of the questions that y'all brought up. We did have a very productive meeting with your staff. Mr. Hart and Mr. Abolt were in attendance and we have no problems with the current legislation as it is proposed. Now I would say we reserve the right that if that legislation that has been crafted becomes a different animal when it gets up to the Legislature, then we may have

some problems with what it ultimately becomes, but as the legislation has been proposed, both the Savannah Homebuilders Association does not really have a problem with it and I don't believe the Georgia Homebuilders Association would have a problem with the legislation as it is crafted. Commissioner Odell asked, is that you support it or you don't support it? When you say you don't have a problem –? Mr. Konter said, I would say that we support it in its current format. There's all kinds of things that could change in that legislation that would be a problem. Let me give you an example, Harris [Odell]. There was a bill two years ago that proposed that the licensing board be under the plumber's licensing board, okay, instead of creating its own independent board, and obviously there would be significant problems if the subcontractors which made up the –, which controlled the board, that that subcontractor would have the ability to rule on an issue that dealt with the general contractor. If there was a problem in their relationship, that could cause a problem in ultimately what happens. So an independent board is one of the things that's part of this legislation that's very, very important to us. If that changed in any fashion, I can tell you we would oppose that legislation. So –. Commissioner Odell said, yes, but conceptually you don't disagree as to far as licensure as far as building contractors. You would disagree if subcontractors could supercede and control the licensure process for a building contractor? Mr. Konter said, that is correct. So I guess we, you know, it's the devil's always in the details, and so we're very concerned about what those details ultimately come up, but from a conceptual standpoint we don't –, we would support the concept of –, the general concept of a licensure of builders. There's a lot of reasons –, I personally have been in favor of licensure of builders for a long time although when I served as President of the Georgia Homebuilders Association I had to take the position at the time when our Board of Directors had a stated position to oppose licensure, even though I personally supported it, I had a responsibility as President of the Georgia Homebuilders Association to oppose that and testified in that case, but there has been a change, as I testified the last time I was down here to you, there's been a change in the thought process in general of the Homebuilders Association of Georgia, and one of the main reasons it was brought up earlier is the fact that statewide law would become preemptive, and there are a lot of builders that work within the State, particularly in the Metro Atlanta area, that work across counties and they know that there are many counties that have imposed individual license laws and they want a uniform license law throughout the State, and that probably is the main focus more than anything that's changed –, that has swayed the position from going from opposed to licensure to a neutral position of that we're at the table and we'll review any license law that comes down the tubes. As I mentioned earlier, and this might begin to address some of the questions that were raised here by you gentlemen, I've personally always been in favor of a license law because I think it elevates our industry in general. The level of consumer protection through a license law is not great. I will tell you –, and somebody was talking, I think it was Mr. Rayno, had mentioned that, you know, what happens when the plumber doesn't do the plumbing right and the Inspections Department doesn't catch it and then we get a shoddy plumbing job, well, whether the general contractor is licensed or not, that really doesn't affect it. We already had stated that plumbers are licensed in the State of Georgia. That defect still happens. You're always going to have the opportunity for mistakes to be made, for unscrupulous contractors or subcontractors to be out there whether they're licensed or not, and a license law will not protect the consumer against a bad plumber or a bad builder or a bad electrician. Those things are all going to continue to exist.

Chairman Hair asked, then why do it? If it's not going to protect us, why do it? Why do it then if it's not going to protect –? Mr. Konter said, well, as I mentioned before, I think it does elevate the general industry, and anything that we do in my opinion that elevates our industry to be more professional is good. Continuing education requirements, other aspects of a license law will inform builders and make builders better builders. Chairman Hair asked, do you believe, Mr. Konter, that if you license contractors, would it be easier or more difficult to get into the business? Mr. Konter said, that's an interesting question. Commissioner Odell said, it should be more difficult. Chairman Hair said, well, that –. Mr. Konter said, it will be more difficult to enter the business. Chairman Hair said, it will be more difficult, that's my point. It will be more difficult, which means that it's going to make your industry, those people who are already in the club, you know, it's going to make it harder for people coming in to compete. Is that not true? Commissioner Odell said, yes, but that's true with medicine. Chairman Hair said, I just want him to answer the question. Mr. Konter said, okay. Chairman Hair said, I just want to make sure the point is made. Mr. Konter said, I understand your point. Chairman Hair said, that it does, it will restrict competition. Mr. Konter said, it won't restrict quality competition. Chairman Hair said, well, it might because you just said that even if you have licenses you're still going to have homeowners that's going to have shoddy construction. That's what you said. Mr. Konter said, what it will restrict, and one of the things that I think has been touched on by many of you here today, and one of the reasons that I have always favored licensure, it will restrict someone that just enters our community from outside to make a quick dollar that's passing through. The guy that's going down the coast –, you know, when you have hurricane repairs, as an example, I don't know if y'all remember when we had the hurricane repairs and all these people came through and the price of plywood went way up and those type of people if they're not licensed can –, in Georgia they can't get a building permit and, therefore, they can't do those repairs and so that type, yes, it will eliminate that type of competition. I'm not sure that that's a bad thing. I think that may be a good thing, but it will make it somewhat more difficult to enter this field. I am also subject to licensure currently. I'm a licensed real estate broker and I've been subject to licensure since 1974, so I've been in a licensed industry and active in that industry and I understand the pros and cons of licensure, and there are some very negative things about licensure too and I will tell you that I think that probably on a statewide level there is an emphasis now to get away from licensing everyone. If the Governor could do away with licensing barbers he would, trust me. Commissioner Murray said, that was just used as an example. Mr. Konter said, they want to get ride of that license report, but, you know, and one of the reasons this has been one of the most divisive issues that I think our industry has ever seen and I've heard since I've been active in the Homebuilders Association is the fact that there are so many pros and cons and that people have argued this point for many, many years, but all in all I think there has been a consensus that has been reached both locally, definitely locally, and on a statewide level that a license law would not be negative as long as it works within the framework of some of the issues that we discussed with your staff.

Chairman Hair said, Commissioner Rayno has a question.

Commissioner Rayno said, not really a question, but again it goes back, if you get a fly-by-night person coming down the freeway and they're doing work in Chatham County, obviously it goes back again to inspections. They should be driving around and they see —, it's obvious someone's making repairs if there's a truck out front, two sawhorses and a guys out there building a wing and they have not got a building permit. It all goes back to inspections again, and there's builders in this town, and I've seen it, with leech fields that are not at [inaudible] and they're on the plans. They just don't exist because the builder was cutting the corners and they went from a three-inch pipe inside the house to a four-inch pipe to fool the inspector, oh, it's all four-inch inside the house when in fact it's three-inch in the house. Mr. Konter said, I —. Commissioner Rayno said, it goes back to inspections. Mr. Konter said, I really would like to get away from the characterization that we've got builders that are trying to cut corners and make extra profit and that's the reason we've got a problem here because I don't believe by and large that is the case. I think that our industry in general is represented by quality builders, and I can tell you when an inspector comes on my job, I want him to find what's wrong because my contingent liability that is always out there, and every builder today has a greater fear of civil liability than anything else. I am worried that I'm going to have some homeowner that's unhappy, that wants to sue me, whether it's justified or not, and I have to defend that case, and so if an inspector goes on my job and he sees I'm missing a hurricane clip and tells me I've got to put that hurricane clip on, I encourage him to do so. I want him to do that, and I think our Inspections Department —, I've stated this before, I think we have an excellent Inspections Department. When you look at 800-plus homes that are built in unincorporated Chatham County a year and the number of —, and that is a minimum of six inspections on each house, you're talking about a tremendous number of inspections and we're talking about a very small problem, a very vocal problem but a very small problem, in the number of problems that have been brought forth that are allegedly the result of this department. And so I just think we need to keep that in perspective, but regardless of what you decide to do, whether it is licensure, whether it's changing the method of the Inspection Department, by and large that Inspections Department does a good job and they, you know, there are going to be some inspections that are mistakes when you have that number of inspections that are made. I don't care how good it is.

Chairman Hair said, I'm going to recognize Commissioner Murray and then the gentleman from the audience.

Commissioner Murray said, yes, just a couple of things. If you or any contractor in Savannah or in Georgia went across to South Carolina or down to Florida to do some construction, would you not have to be licensed to do that? Mr. Konter said, Florida and South Carolina both have license laws, that is correct. Commissioner Murray said, which means that —, but yet those contractors anywhere in the country can come into the State of Georgia or Savannah and Chatham County and set up shop and do what they want to. Mr. Konter said, that is correct. Commissioner Murray said, that's right, and that's the point I think we're trying to make, and I appreciate your comments, and I felt like that's probably the way that y'all —, most of y'all felt now as far as the license. I don't think you're trying to shy away from that. It would depend on how it's written out. The other thing that we've got and, yes, you can rely on Inspections to do a portion of it, Inspections cannot do all of it, and just because somebody has a license does not mean you're going to get a quality job or a bad job. I think it's our responsibility as Commissioners to set the budget. With the type of developments that are going on in this community to add two departments when they need the support of the people in the street doing the job, and I don't think that right now, whether we agree or disagree, and yes I have been vocal and yes I've had some problems and yes I've had some concerns with some of the inspections that are done. I'm not here today to start bashing the Inspections Department, but with that type of construction going on and that many permits in one year in this community or just in the unincorporated area, we do not have enough inspectors on the street to do the job that they need to be doing without going in, looking and coming back out. Now if they took the time that has to be taken, we would not get all the jobs inspected. Mr. Konter said, I will tell you that the Homebuilders Association of Savannah has never opposed an increase in the number of inspections, inspectors and the cost that results from that. We've had some opposition to some other issues, but it's never been in direct cost related to the regulatory process.

Chairman Hair said, okay, Mr. Konter, will you wrap up your comments. We have some others. Mr. Konter said, I'm here to answer your questions. Commissioner Jackel said, I have a question or two. Chairman Hair said, all right.

Commissioner Jackel said, Mr. Konter, if you run across a builder who's not performing up to the standards that you think, he could still pass inspections because by and large they're [inaudible]. We take that as a given if we assume that. Are you aware of any regulation or anything that the County can preclude this person from building another house? Mr. Konter said, no. Commissioner Jackel asked, you're not aware of any? Mr. Konter said, no. Commissioner Jackel said, no, my other question is, and I guess it's somewhat of a rhetorical question, you're out there every day building houses and you're satisfied with the Inspections Department and you count on them to make sure that things are right. Mr. Konter said, I might add that I deal with Pooler's Inspections Department, Richmond Hill's Inspections Department, Effingham —, it's not just Chatham County that we deal with. Commissioner Jackel asked, and you give Chatham County a good grade? Mr. Konter said, yes. Commissioner Jackel said, all right. I know you can't speak for Mr. Rayno, but do you have any idea why your perception is different than his? He thinks they're doing an absolutely shoddy job, not doing what they're supposed to and you think they're doing a really good job, and you're out there every day. Do you have any idea why the perception is different? Mr. Konter said, yes, I think I do. I think that you, as Commissioners, are made aware of individual problems that have come up, and those individual problems probably are very real problems, but again if they are looked at in the scope of the entire inspection process, how many inspections are made, et cetera, they would probably fall within and would be an acceptable level of mistakes, but when it's in front of your face continuously, when you've got 20 complaints out of those 5,000 inspections or however many it is, you've got 20 complaints that are publicized, that are active, that are involved, and all of a sudden it becomes that every inspection is bad or a poor inspection. I do this myself. When I have a customer that is unhappy, my wife, who handles our customer service in our company, has to listen to me say I can't satisfy a single customer, and then she reminds me of all the customers that are happy. She says, you know, that one

customer is unhappy, now you've generalized that every customer we built a house for is unhappy, and I think that it's a little bit of that that you're dealing with, and I know that I've got some people in the audience that are going to feel very disenfranchised with my comments and feel like that I am trying to sweep under the rug legitimate problems with the Inspections Department, and I'm not trying to do that. I'm just saying you've got to put it in perspective, and I know that that's what I have to do from time to time in my own business.

Chairman Hair said, okay, thank you. The gentleman come state your name for the record please.

Commissioner Rivers said, Mr. Chairman. It may not be the –, it may not be the department. It may be the particular inspector. Chairman Hair said, yes. Commissioner Rivers said, if an inspector's bad, get rid of him. Chairman Hair said, yes sir.

Mr. Joe Rust [phonetic] said, my name is Joe Rust and I have a state license for hearing and air conditioning, and the way I got that license is I read the book on the way to Atlanta and I had a little bit of service time, so I got a state license. A fly-by-night might have had –, he probably knew more for five years than what I did. State license doesn't mean anything at all, and a lot more people agree with you.

Chairman Hair said, thank you. Thank you, sir. Okay, I'll entertain a motion if anybody wants to make one. Okay, I'm sorry. Come forward, sir. State your name.

Mr. Thurmond Strickland said, my name is Thurmond Strickland, and I'll ask Mr. Abolt if he could answer something for me. I got a letter from the Georgia Southern several years ago, University, where you, County Managers, City Managers, the Mayors association, County Commission association asked them to do a survey on how to get more revenue out of your contractors. Okay, sir, what they sent you back was saying that we don't know how you can get any more out of the heating and air conditioner contractors or the electrical or the plumbing, so you're going to have to go through a general contractor's license to get more revenue for your county. Sir, could you answer? County Manager Abolt said, I'm not familiar with the survey. Mr. Strickland said, well, it come from –, there's the envelope right there.

Chairman Hair said, thank you, sir. I'm going to recognize Mr. Earls and then I'll get everyone else. If anybody wants, just come sit down in front so I can recognize –, so I can see you. Chairman Hair recognized Mr. Earls.

Mr. Ken Earls said, my name is Ken Earls. I just have one question, which I already know the answer to, but I'll point out the example to you. Does the Inspections Department cover all aspects of a home? County Manager Abolt said, no. Mr. Earls said, okay. All right, how many –, well, those of you that were here at the time remember when Chatham-Savannah School Superintendent Virginia Edwards came up here. Chairman Hair said, I remember. Mr. Earls asked, sir? Chairman Hair said, I remember it very well. Mr. Earls said, she was very upset with the problems she had with the quality. Some sounded like very major problems with her home, and it was said too bad that Inspections doesn't cover that, that's not our problem, and this was a very upset lady who is fairly prominent in the community. Just like you, Mr. Hair. You were fortunate because of, let's admit, to some degree where you sit. You may have had a good builder too, so he wanted to help you out, but your position definitely did not hurt. You've got Jane and John Doe sitting out here, you know. So what, we'll just rake you off and, as Mr. Odell said, he'll send them down to Mr. Murray's, but, you know, things like that, and for a Commissioner to sit here and say that we shouldn't get involved with this, it's not our responsibility, it is the responsibility of this Commission, of this government to do anything and everything it can to protect its citizens. Thank you.

Chairman Hair said, thank you, Mr. Earls. Chairman Hair recognized Ms. Roberts.

Ms. Roberts-Osteen said, my name is Flo Roberts-Osteen and I am a member of a national organization called Homeowners for Better Builders. I got involved in this organization after going through a terrible personal experience with a home that I purchased. I believe y'all are all aware of it so I'm not going to go into the details. What we're talking about here is the general health and safety of the citizens of Chatham County and the homeowners. That's what is really at issue here, and what is that going to cost everybody? Well, it seems to me the person, the people that it's costing the most is the homeowners. Stop and think about it a minute. A homeowner becomes damaged. They don't know what's going on because most of what is going on with our homes is behind the walls and you cannot see this unless you have an engineer with electronic equipment. A regular house inspector is not going to find anything when you purchase the home. Something has to happen, either a hurricane. God help us that we never have another one. I'm a Camille victim. My house stood down in Mississippi, I was in the midst of 40 tornados and a tidal wave took us out, a 30-footer. My house was 18 feet above sea level. I ran out of the door with my baby in my arms and the next day all I had left was the shell of a house and the clothes on my back, and I was glad to be alive. I was lucky, and there was no such thing as flood insurance. I'd like to ask Mr. Konter, are you placing plywood in the walls of your homes when you purchase them or when you build them, or is he just using Styrofoam like I've seen in so many of the houses that are going up? Chairman Hair said, Ms. Roberts, I'm not sure it's appropriate –, it's not appropriate to ask individual questions of individual builders. I don't think that's the purpose of –. Ms. Roberts-Osteen said, I would like to know that. Chairman Hair said, well, that's not the purpose of the County Commission meeting. Ms. Roberts-Osteen said, okay. Chairman Hair said, you'd have to do that –, that's not appropriate. Ms. Roberts-Osteen said, well, this is one thing we have noticed. This is what's wrong with our home. We do not have any plywood in it, not enough metal strappings, not enough nails. In the course of our trial when we went to court, and I'm talking about costs now, we learned that one of the main reasons we could not obtain justice is that if the court agreed to the fact that we had broken County codes, then others who had similar problems would be allowed to come forward. We would set a precedent, and this would open up the floodgates of those who have broken codes in their homes.

This is —, you know, no one can obtain justice in the courts in Chatham County concerning their home. Commissioner Odell asked, may I ask you a question? Ms. Roberts-Osteen said, I've heard of very few that have. Chairman Hair said, Commissioner Odell has a question. Commissioner Odell said, having practiced law for 20 years, I find that my experience is that occasionally there is justice. You may not have received justice in your particular case, but the person that you sued may have considered that they did in fact receive justice. It is an opinion, which is not necessarily a class or a fact, it is an opinion. I need to know if you are speaking in support, because I'm not able to poll you, in support of licensed building contractors or if you're going to rehash what's happened to your house again? Ms. Roberts-Osteen said, well, yes, I think anything you can do to —. Commissioner Odell asked, so you support it? Ms. Roberts-Osteen said, yes, I do support licensing, but I also support —, I'd like to find out what —, who is enforcing the penalties that go with the building code violations? There are penalties in place that state that it is a misdemeanor, it is considered a misdemeanor and is punishable by a fine or imprisonment or both for every day these building code violations are allowed to go on, and I'd like to know why this is —, these penalties are not being enforced. If anything, the County could take that money that they would get from the penalties and help the homeowner. Commissioner Odell said, you know, you're an extremely intelligent lady, you obviously know that any penalty or fine for any law violation the person who enforces that is the person that you're voting for and that is Spencer Lawton. Spencer Lawton is our overall enforcer of laws here in Chatham County. Ms. Roberts-Osteen said, well, I did go to Mr. Lawton and he said all he could see that they broke an ordinance and, to me —, I have pictures here. We had a beam fall and my mother almost got —, I mean, could have been killed. The other day we had a closet fall that's been up for a long time. It could have killed my mother-in-law. Is it going to take someone getting killed in a house for this County to do something? That's what I'd like to know. Commissioner Odell said, that's why we need licensure, right? Ms. Roberts-Osteen said, yes, I believe that anything we can do, like licensing people, anything we can do to help, but that alone is not going to help. We need to enforce the building codes and we need to get citizens the right to go to court and have a fair trial when they have a problem.

Chairman Hair said, okay, thank you, Ms. Roberts. We appreciate you coming. Ms. Roberts-Osteen said, thank you. Chairman Hair recognized Ms. Tomlinson.

Ms. Brenda Tomlinson said, I've decided not to go through all the notes of the things I wanted to say, but I will keep it brief. Chairman Hair said, please do. Ms. Tomlinson said, I appreciate what Dr. Hair and Commissioner Rayno have said about the inspections portion of this because I have a tendency to support licensing, but that's really not —, that's definitely not a fix-all. There are some other things, and I think starting with inspections is absolutely imperative because if you license builders and we go through all this process of we set up a program, and if these homes are inspected and they pass inspection, well, the builder will appear to have done a good job when they haven't done a good job, and I think —, I don't think they need to frame it with that. Some of you have seen this. This is what happened when I put faith in this County and paid good money for an inspection on this house. All the inspections on my house have this quality right here. There is something wrong here. I'm not here with a solution to everything, but I am one of the victims. I'm not a homebuilder, but I am a victim. And, as I said, we started out we put ourselves in good faith. Mr. Konter was very complimentary to the Inspections Department at either the last meeting or in the recent past, and of course I think it's obvious he and I have a very different opinion. Later on —. Commissioner Odell said, but you took this opinion to court, did you not? Ms. Tomlinson said, yes sir, I did. Commissioner Odell said, and a jury of your peers heard your position, did they not? Ms. Tomlinson, yes sir, that includes —. Commissioner Odell said, and a jury of your peers ruled adversely to your position, is that true? Ms. Tomlinson said, that's partially true. Commissioner Odell said, okay. Ms. Tomlinson said, the judge overturned a great deal of the —. Commissioner Odell said, but you had your day in court, did you not? Ms. Tomlinson said, yes sir. Commissioner Odell said, and from that there was no conclusion that the County had done or violated any law or ordinance. Wasn't that true? Ms. Tomlinson said, those matters were not addressed in the court. Commissioner Odell said, but that was not the reason for your misfortune, and here's my point. My point is that I don't presume that licensure will solve all problems, but when I had to have surgery to remove a cyst, I wanted to make certain that the doctor was licensed. I think that that's a major step in insuring that you have some minimum level of quality. Maybe if we had licensed builders this problem would not have happened. I really take objection to the continuous bashing of Inspections in light of the fact that we do a ton of inspections and it's not a hundred percent —, well, the Police Department's not a hundred percent, surgery is not a hundred percent, the legal practice is not a hundred percent. I heard your complaints and my fellow Commissioners are all politically correct and most of them have heard part of it because you mailed it to us. I need to know if you support it if you do. I support it. Ms. Tomlinson said, I do support it provided that a better job is done in the Inspections Department. Commissioner Odell said, I agree, and can you help tell us what better job needs to be done. I think that's fair, don't you? Ms. Tomlinson said, well, first of all, I think maybe it would help the public to know who is in charge of making sure the Inspections Department performs —.

Chairman Hair said, Ms. Tomlinson, I'm going to have to, you know, I'm going to have to ask you to keep your comments germane to the licensure issue. Ms. Tomlinson said, okay. Chairman Hair said, please, and we've been here before so please restrict your comments to the germane issue of licensing.

Ms. Tomlinson said, the only concern I have about licensing and —, is if correct inspections are performed, then I can see the licensing process to being better, but if the licensing process is in place and inspections are faulty, then it seems to me that's going to give —, that's going to help create a problem there. Does that make sense or does somebody want to —. Commissioner Odell said, I understand.

Chairman Hair said, thank you. Thank you, Ms. Tomlinson. I'm going to recognize Commissioner Rivers and then Commissioner Murray. Commissioner Rivers said, I'm going to yield to that because I'm going to say something else after we get through. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, the only thing I want to do is make a comment that I think all of us realize that if licensing does go in effect, it is part of it, we know that that is not going to stop the problems that are going on, but I would also like –, and I met with both the ladies and talked with them in depth over the last number of months, but I really feel like that the discussion that we have right now should be discussion that is strictly germane to this motion of licensing and should not be all the stuff that keeps coming up with the inspections at this time unless there's some way you tying in the inspections and the licensing in one issue, and I don't think it is.

Chairman Hair said, I'll recognize Commissioner Rivers and then I think it's time for a motion after this. Commissioner Rivers said, no, I'm going –, let the motion go. This isn't germane. Chairman Hair said, okay, it's not germane, okay. I'll entertain a motion.

Commissioner Jackel said, I move that we approve the –. Chairman Hair asked, approve what? We're not approving anything. Commissioner Jackel said, I move that we request of our delegation that they move forward with the adoption of licensing of contractors in this State. Chairman Hair asked, second? Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Commissioners Rivers, Jackel, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioner Rayno voted in opposition. The motion carried by a vote of seven to two. Chairman Hair said, the motion passes. Now Commissioner Rivers.

Commissioner Rivers said, I just wanted to ask a question, Mr. County Manager. County Manager Abolt said, yes sir. Commissioner Rivers asked, how and where is our Inspections Department at this point and are we receiving any complaint, are we able to measure outcomes of what's going on now? Do we have those parameters in place? County Manager Abolt said, yes sir. Commissioner Rivers asked, are we addressing all the problems of the past because I'd had to see the past keep coming up. I want to deal with today and beyond, not what happened yesterday or what's happening today, and are we getting ample inspections and court enforcement. County Manager Abolt said, we don't deny the past; we've learned from it and answer that we're much better at this than we were a year ago. We have a very specific plan of action in place in which all members of the Board have that ensures quality at the inspection site. To use my term, we have people to check the checkers. Mr. Anderson has put into place a very high profile way of evaluating our inspectors, not only by what they do in the field, but also their continuing education. In addition, he's gone through a very extensive team building session a few weekends ago to develop our quality control in the office so the people when they come in are pleased with the service they receive. At some point, and now is not the time, but I, as you know, Mr. Anderson a number of years ago was selected to be the Georgia Building Official of the Year. That did not come easily, but at some point I would like Mr. Anderson to be given the opportunity to in effect explain the future of the Inspections Department. It's very bright. This next Friday, with all things going well, we're going to debut our brand new Inspections facility out on Eisenhower Drive. It's very customer friendly. There are so many things that have been done that are good. We humbly apologize and acknowledge the bad, but I have to share Mr. Konter's evaluation that when you look on balance, even with the number of complaints that have been very visible, they are down now less than one can count on both hands. There were some that were [inaudible] that were completely unfounded. The ones that were founded –, in effect, all issues were investigated thoroughly. Under your direction this County staff embarked upon hundreds of hours of evaluation, not by Inspections, but by other parties. My Assistant Manager, the County Attorney, the Internal Audit Department. In addition, we spent thousands of dollars in having available copies of transcripts. In all cases the results of that investigation had been made known to you and are available to anybody else who wants them.

Chairman Hair said, okay. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, no, I don't want to discuss anything on that. I think we're through with that.

ACTION OF THE BOARD:

1. Commissioner Odell moved to untable this item and place it before the Commissioners for discussion. Commissioner Kicklighter seconded the motion and it carried unanimously.
2. Commissioner Jackel said, moved that the Board request that the local delegation move forward with the adoption of licensing of building contractors in the State of Georgia. Commissioner Murray seconded the motion. Commissioners Rivers, Jackel, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioner Rayno voted in opposition. The motion carried by a vote of seven to two.

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3. REQUEST BOARD APPROVAL OF THE SAVANNAH AND OGEECHEE CANAL CORRIDOR MASTER PLAN PROPOSED FOR DEVELOPMENT OF THE CANAL CORRIDOR AS A MULTI-USE TRAIL.

Tabled at meeting of January 26, 2001. (NOTE: Please see most recent staff report prepared for your 23RD of February meeting.)

[DISTRICTS 6, 7, AND 8.]

Commissioner Jackel said, I will move for purpose of discussion that we take that off the table. Vice Chairman Thomas said, okay. Second? Commissioner Odell said, second. Vice Chairman Thomas said, all in favor of that. Is everybody in favor of that? The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.] Vice Chairman Thomas said all right.

County Manager Abolt said, Dr. Thomas and gentlemen, please –. Staff's request is here. All staff would like to do would be enter into your record in your appreciation for the maturity of this project, we have taken certain steps to put it into favor to deal with some of the affected cities by the project, but we are not in the position to make recommendations to you that would allow full discussion on this. So whatever you wish to do, please understand it would be our intent for you to place it back on the table.

Commissioner Jackel said, well, we have some people here that wanted to give us –. County Manager Abolt said, yes sir. Commissioner Jackel said, information. This is a point just for discussion. We have Mr. Joe Steffen's with us. Joe [Steffen], come on up and introduce yourself.

Commissioner Rayno said, before we start, I'd just like to excuse myself from the discussion. I might make future revenue off of that project if it passes, and I'd like to be excused from any discussion. Commissioner Jackel said, I move that Commissioner Rayno be recused. Commissioner Odell said, second. Vice Chairman Thomas said, all in favor, please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.] Commissioner Rayno said, thank you. Vice Chairman Thomas said, Commissioner Rayno is excused from this session.

Mr. Joe Steffen said, thank you, Madam Chairman. My name is Joe Steffen. I'm a resident here of Chatham County, and I'm one of hundreds of members of the Coastal Bicycle Touring Club who also live here in Chatham County. We want to offer our support and encouragement that the Ogeechee Corridor Trail proceed ahead as soon as possible. First of all, the biking needs of this community are truly important at this point because, first of all, from safety considerations bike riding, as you know, is a very dangerous activity. Vehicles don't see us. We've had soft drink cans and even beer bottles thrown at us sometimes on the regular roads, and there's a giant dire need in Chatham County for more trails. Currently, there is no existing length of trail in Chatham County that provides the distance that bike riders desire. Secondly, the development of the canal would provide a level of what has been terms eco-tourism. It's a younger and group of people who are very much aware of taking care of the area which they visit. Thirdly, we have the obvious advantages for health, recreation and preservation, and most importantly the type of activities they're going to be providing along the canal, they're a low cost type of recreation. Hiking, walking and biking serve the diverse socio-economic groups of our community more than any other sport activity, and I guess most importantly the money is there waiting to be spent, and we certainly don't want to see it go away. I want to thank Commissioner Kicklighter for making a very candid and courteous reply to my call earlier this week and some other members who were concerned about this project being delayed, and we certainly understand that the property owners' interests have to be protected, but we want to assure those residents that we, who are bicyclists and outdoors people, want to do everything as well to protect their rights for the type of folks that are very good neighbors, and we are concerned that if this –, if the delay in the project has more to do with concern of people not wanting something in their backyard, as a former City Councilman I know I've heard that a million times, we want to remind those folks and ask them to cooperate with us in saying that the Ogeechee Canal is part of the backyard of all of Chatham County, and we want to see it used for the proper purposes, and we offer our assistance and help to do everything we can to move this project forward as at quick a pace as it can be.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I'd just like to say, like I relayed the message to you before, this is not a not-in-my-backyard subject, this is a don't-take-my-backyard-from-me subject. This is a access subject where the people's property rights have been challenged where they could possibly lose every bit of value on their property, they could lose the entrance to their property, have to go to their neighbor to obtain a right-of-way through the yard to get to their own property. You know, we all, I believe –, I –, personally I'm happy for all you bike riders, I support you. As Mayor in Garden City we obtained a \$300,000 grant for bicycle paths. I support that, but when it comes to recreational purposes and taking people's property, the two they don't go hand in hand. So that's the issue. I appreciate your comment, as I related to you before, and as soon as we solve the people's property entrance rights, we will move forward I'm sure with this, but we have major problems with that, and there's about 10 or 15 people sitting behind you that could really get upset when talking bicycles versus their life's worth of work. They've worked their whole lives for their property, and all of a sudden a plan is thrown out and it says basically that they could lose all value to their property, so let's put that in perspective when talking a recreational sport that we enjoy doing and people's livelihoods, and I believe if you will do that, you'll understand to bear with us while we work out the technical difficulties with these property owners here. So I sure would appreciate your effort in bearing with us while we work with these problems.

Chairman Hair said, I also would like to –, I also –, I totally agree with Commissioner Kicklighter. The property rights issues here are horrible. We've got to protect those people with the property rights issues, and as far as I'm concerned it's dead in the water until –, as long as those are still out there we are way away from voting on this issue. Until we get those –, protect those property owners out there, I don't think you've got five votes up here to do anything with it, so I don't even know why we're discussing it, but I guess Commissioner Jackel wanted to pull it off the table, but you don't have five votes for this until we can settle those property rights.

Mr. Steffen said, our thoughts are that we were –, we respect those rights, we understand your desires to protect those rights –. Chairman Hair asked, you want us to move now? Mr. Steffen said, we want to see the project move forward as quickly as possible, number one, and, secondly –, well, I think that there's two, there's two issues that come up. One is, it's an important issue, and I think any issue will find a solution if there's an effort to find a solution for it. Chairman Hair said, we're working on a solution, but we're not there yet. Mr. Steffen said, and the other –. Chairman Hair said, and [inaudible] until we solve it. Mr. Steffen said, well, the other consideration is, respectfully, Chairman Hair, this –, this project is a long distance, I mean, it is a long length of a project, and the issues –, the property issues are only at the very end of it, and it seems to me, as someone who's developed one of these projects before in another jurisdiction, that we could certainly go ahead with those projects that are –, those parts of the project that are not controversial. There's an entire length of this project and people waiting to use it and waiting to protect it as it continues to deteriorate that are being disenfranchised because of the end of it, and that's in no disrespect to the folks there that have those property rights. We're –, I certainly understand that that's a –. Chairman Hair said, you get five up here to agree to that, that's fine. I just don't think you have five, especially with this diminished group here we have today. Commissioner Kicklighter said, and staff –. Mr. Steffen said, we're not asking for a vote today. We're asking for the County to move forward with the project.

Commissioner Kicklighter said, staff's so far in their work, and by the way, this is what, a two-week delay right now when we're talking about people's property rights, so this actually came up two or four weeks ago maybe. Chairman Hair said, two weeks ago. Commissioner Kicklighter said, two weeks ago. Their leaning in that direction of phasing in the other parts, and coming to this definitely controversial part at the very end, which probably would be nine years down the road before anything could happen, but what we want to do is get these homeowners the security of knowing that we're going to protect them, and that's what we're trying to do here and that's why it was on the table to work out a few more details. Mr. Steffen said, yes sir. Commissioner Kicklighter said, and, you know, if that takes an extra two weeks when it comes to bicycling versus people's property, then I believe you ought to understand as a former city official, as you said –. Mr. Steffen said, absolutely. Commissioner Kicklighter said, that we have to protect their property and then we're going to work to, you know, satisfy all the parties. Mr. Steffen said, we're here to offer support and encouragement and one of the things we wanted to encourage is perhaps that piecemeal development of the project so that those of us that are waiting for a safe place to ride can have that while you work out those issues, and we're very respectful of that.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, and I agree with what they've said. I don't think you're going to find the votes here to move forward until some things are resolved, but, at the same time, you know, my question is the property rights that we're talking about, those people that have those property rights, I don't believe fall within our jurisdiction anyway. County Attorney Hart said, Commissioner Murray raises a very good legal point. Commissioner Murray said, I mean, they're not in the unincorporated area of Chatham County. County Attorney Hart said, the County does not own the S&O Canal. Chairman Hair said, right. County Attorney Hart said, that is owned in fee by the City of Savannah. The County has only a recreational easement for 40 years over the S&O Canal for purposes of development, and the County cannot make any decision concerning or affecting the access rights of any property owner along the S&O Canal without the consent of the underlying fee owner, in other words, the City of Savannah, and that is really more a City of Savannah issue, the access rights, than a County issue. My understanding is the MPC has submitted to the City a proposal. I do not know the merits of the proposal, and that the City has under advisement a policy that has not been announced yet. So, you know –. Commissioner Murray said, my point in making that was that I still don't believe this Commission is going to approve to move forward until the City or whoever's involved comes to some agreement for that. County Attorney Hart said, it would certainly define the rights of various people.

Chairman Hair said, I think we need to table it, we need to leave it on the table. I'll entertain a motion. Commissioner Odell said, so moved. Chairman Hair said, I have a motion. Do I have a second? Commissioner Odell said, I'll yield to the County Commissioner. Commissioner Kicklighter said, I'd like for y'all to hear from Mr. Herman Lee if he would come up. He's been at all the meetings, so now that it's been brought back up I'd love him to be able to fill everybody in a little bit to hear the flip side of the bicycling person taking property here.

Chairman Hair recognized Mr. Lee.

Mr. Herman Lee said, Mr. Chairman and members of the Commission, we –, just looking to start off here. One of the problems I see with this is here again Item D, which is what the recommendation was, members that are meeting staff have set a meeting with representatives from the City of Savannah, Metropolitan Planning Commission, and so forth. That still leaves out the people that's been left out from the very beginning, the property owners. You know, we've been requesting this and since this plan of this canal supposedly includes the entire canal, 16½ miles, we've also asked from the very beginning since we found out about this canal, and I won't go into all that at this time because it would be very lengthy we found out about some of the issues concerning us on this canal, we've been asking from the very beginning why shouldn't all the property owners be involved, why shouldn't they all be notified, certifiably notified of the meetings and let everybody come out and let this master plan be presented to them now that it's supposedly pretty much in its final form. The only question we have with this master plan is –, let me ask you a question. Speaking back to our Inspections Department, the permitting department that was mentioned earlier, suppose I went down to our permitting department, the Inspections Department, and so forth, and said, you know, folks, I've got this land out here in West Chatham County, it's about four, five, five or six acres, it's about a mile or so down Bush Road and, you know, this and that, I think I'm going to build me a house out there. I want the house to be about maybe 100, 120 feet long, 40 or 50 feet wide. I don't know how many rooms I'm going to have yet, how many bathrooms. I don't know what I'm going to be about electrical. It might not even have no lights

in it. How about going ahead and giving me a permit for that. Now how long would those people stay down there if they gave me a permit under the considerations. This says master plan. Explain the difference to me between a master plan and me going down there and needing the house, my engineering drawings and so forth, and for my, you know, permit for my house to build my house. Explain the difference to me. Our paperwork indicates that you're being sold a bill of goods by Ms. Hickson and the people who did this master plan because we don't believe they have near the amount of property they claim. We don't believe their property right-of-way supposedly in that is anything like this wide. We feel it's as little as 60 feet rather than 100 or 120 feet, and here in downtown we believe it might be as little as 70 feet rather than 200 feet as she claims. There's so many inconsistencies, generalities and so forth in here that we believe you're fixing to spend \$200,000 if you pay --, if you haven't already paid them, you're fixing to spend \$200,000 of taxpayer's money, and believe it or not, even though that's a grant, that's taxpayer's money. That's Federal taxpayer's money that came right through the DOT. I also believe that you have two County officials here who at the very best, high-ranking County officials, who have misled the DOT. Chairman Hair said, well, we're not going to --, just don't get personal with your comments. Mr. Lee said, I am not going to, I'm not going to call any names because we need to --, probably need to discuss this behind closed doors. They may very well have broken some Federal laws. I signed some papers before the State and, you know, if you don't accurately depict everything here on this thing that's not true, that you're subject to a \$10,000 fine and one year in jail --. Chairman Hair said, keep your comments to the [inaudible]. Mr. Lee said, but in any event, we're going to need to discuss that because there again from the very beginning the property owners here have been left in the dark. Chairman Hair said, okay. Mr. Lee said, and we're requesting that all the property owners on the entire length of it be certifiably notified and a meeting with you and the Metropolitan Planning Commission, all these people right here, all of us have the opportunity and have this plan presented. Chairman Hair said, I think that's good. Mr. Lee said, because, like I said, there are a number of things I won't bring them up here for the interest of time that we believe you're being sold a bill of goods and you're kind of buying a pig in a poke, so to speak, if you buy this master plan, and obviously there --, some of the things they've referenced here as far as where the property lines and so forth are, very interesting. I just discussed that with the engineer who drew up the plans for Bush Road. You might want to get those drawings and look and see if Bush Road's where it's supposed to be. Bush Road's actually paved 31 feet from where the center of Bush Road's supposed to be. Bush Road's supposed to be 31 feet to the east according to the engineering drawings, and a County official had told me that prior to this back years ago. So they're claiming they own 28-foot of property over on our side of the canal. They're claiming that based on that drawing. They did not even get the engineer to look at it because what was referenced on those drawings was our property markers from the center of the road. Bush Road's supposed to be 81 feet from our property markers [inaudible] that canal, and these property markers are consistent all the way up and down through there where they've shown that, they've referenced those property markers. Not only the surveyor who surveyed my property and a few of these other people's property, but people who surveyed this property years and years and years ago from any property owner, different surveyors, they all put those property markers right on the bank of that canal, and our property calls for that amount of property and we believe we have the historical documents and so forth to prove that.

Chairman Hair said, okay. Thank you, Mr. Lee. We appreciate that. That's even more reason to table this and put it back on the table. Commissioner Odell said, I'll make a motion to table. Chairman Hair said, I have a motion to table. Do I have a second? Commissioner Kicklighter said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rayno was recused; Commissioners Rivers and Thomas were not present.] Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

1. Commissioner Jackel moved that this item be taken from the table and placed before the Commissioners for purpose of discussion. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]
2. Commissioner Jackel moved that Commissioner Rayno be recused from discussion of this item due to a business conflict. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]
3. Commissioner Odell moved to place this item on the table. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Rayno was recused from voting; Commissioner Rivers and Thomas were not present.]

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IX. ITEMS FOR INDIVIDUAL ACTION

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

1. **REQUEST BOARD APPROVE THE FOLLOWING: A GENERAL FUND M&O BUDGET AMENDMENT TO RECOGNIZE \$28,850 IN REVENUE FROM THE STATE OF GEORGIA**

AND TO APPROPRIATE \$28,850 TO THE SUPERIOR COURT ADMINISTRATOR BUDGET TO RECLASSIFY A POSITION; A GENERAL FUND CONTINGENCY TRANSFER OF \$6,100 FOR THE ANNUAL ASSESSMENT FOR THE SOUTHCHASE PROPERTY; A CONFISCATED FUNDS CONTINGENCY TRANSFER OF \$25,550 FOR EQUIPMENT AND COMPUTER SOFTWARE FOR THE POLICE DEPARTMENT; AND A TRANSFER OF \$400,000 FROM THE JIMMY DELOACH PARKWAY, PHASE 2 TO THE JIMMY DELOACH PARKWAY INTERCHANGE AT SR21.

Chairman Hair said, I'll entertain a motion to approve. Commissioner Kicklighter said, so moved. Commissioner Rayno 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:

Commissioner Kicklighter moved to approve the following: a General Fund M&O budget amendment to recognize \$28,850 in revenue from the State of Georgia and to appropriate \$28,850 to the Superior Court Administrator budget to reclassify a position; a General Fund Contingency transfer of \$6,100 for the annual assessment for the SouthChase property; a Confiscated Funds contingency transfer of \$25,550 for equipment and computer software for the Police Department; and a transfer of \$400,000 from the Jimmy DeLoach Parkway, Phase 2 to the Jimmy DeLoach Parkway interchange at SR21. Commissioner Thomas seconded the motion and it carried unanimously.

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**2. REQUEST BOARD CONSIDERATION FOR A PETITION BY HOMER C. JENKINS, III, AND MARVIN C. JENKINS TO CLOSE A PORTION OF OLD OATLAND ISLAND ROAD AND TO ABANDON THE RIGHT-OF-WAY ON THE SAME PORTION. STAFF RECOMMENDS DENIAL.
[DISTRICT 4.]**

Chairman Hair recognized County Manager Abolt. County Manager Abolt said, I believe there's been a request from the petitioner's attorney. Chairman Hair recognized Mr. Blackburn.

Mr. Jay Blackburn said, yes sir. We received a FAX from the County Attorney's office yesterday afternoon was our first notice that this was on the agenda today, and we did not have time to gather our forces to respond to the staff report and to present this, and we would ask that it be postponed. Chairman Hair asked, your client was not aware that this was going to be on the agenda? Mr. Blackburn said, no sir, until yesterday afternoon Mr. Hart sent me a FAX along with the recommendation of the staff. Chairman Hair said, well, if your client was not notified –.

Commissioner Murray said, let me ask him a question. Jay [Blackburn], I mean, but you knew what the proposal was. You've known it for quite a while because you called me about it. Mr. Blackburn said, we knew the original proposal for the layout, and we proposed a separate layout to the County staff. Commissioner Murray said, I will tell you now that if you want to postpone it for those reasons, that's fine with me, but I can tell you also that it's not going to make any difference at all to me whether you do it today or you do it next meeting or you do it five meetings from now, my vote is going to be no not to allow it because the residents that live on that road all of them are opposed to it. That is also part of the Grey Subdivision, which is a residential area, and once that is done then it will be coming back for a rezoning for it, and I don't know how the rest of this Commission feels. You see we vote sometimes yes and sometimes no, but I would hope they would follow my lead since that falls in the Fourth District and I am not in favor of doing that and will tell you up front I will not support it whether you vote today or you wait until the next meeting to review all that.

Mr. Blackburn said, I realize that that might be the case. There has been a zoning petition previous filed. Commissioner Murray said, that might be why you didn't call me back. Mr. Blackburn said, I didn't know I didn't. Commissioner Murray said, you said you'd get back with me on it, but that's okay. Mr. Blackburn said, and there's some conflicting things about the neighbors at this point as well because some have said –. Commissioner Murray said, well, [inaudible] some telephone conversations I had out there was made pretty adamant to me.

Chairman Hair asked, well, what do you want to do, Frank [Murray]. You just want to make a motion to deny it? It's up to you. Commissioner Murray said, well, it doesn't matter to me. Commissioner Rayno said, move to approve. Commissioner Murray said, if he does that, I can tell you we will have the residents up here too. Chairman Hair asked, do you mean to deny? Commissioner Rayno said, deny, yes. Mr. Blackburn said, we'd ask that it be postponed two weeks to allow us to have a full [inaudible]. Commissioner Kicklighter said, second. Commissioner Murray asked, have we got a motion and second? Okay. Chairman Hair said, we've got a motion and a second to deny. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Thomas were not present.] Chairman Hair said, the motion passes. Thank you, sir.

ACTION OF THE BOARD:

Commissioner Rayno moved to **deny** the petition by Homer C. Jenkins, III, and Marvin C. Jenkins to close a portion of Old Oatland Island Road and to abandon the right-of-way on the same portion. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Thomas were not present.]

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**3. REQUEST BOARD APPROVAL OF A CONCEPTUAL PARK SELF-HELP PROGRAM.
[ALL DISTRICTS]**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, gentlemen, at the request of Commissioner Rayno and with your concurrence staff was charged with coming up with an individual proposal to create for a few dollars in comparison to our total outlay in special support to neighborhoods that we would have money available to work with interested neighborhood groups in what is referred to as Park Self-Help. It is Commissioner Rayno's idea. We've done our best to burnish it and perfect it tad. What we're looking for now is at least conceptual approval. There's no monetary commitment requested at this time. Obviously, it must be part of your budget goal session and future budget deliberations. There is a great opportunity in my opinion though to partner not only among the neighbors, but also in the resources that will be identified based on the merits of each individual project. You may want to hear from Commissioner Rayno on this.

Commissioner Rayno said, I'm not going to say anything about it starting with an H and ending with a P. Commissioner Jackel said, and that spells trouble. Commissioner Rayno said, the program –. Commissioner Jackel said, right here in

River City. Commissioner Jackel said, this program will benefit all districts in the fact that maintenance in many neighborhoods has been lacking because of lack of money, and if we institute this program with a very, very small amount of funds, what will happen is we'll involve the neighborhood, and when we do that it's my belief it acts as a catalyst to solve other problems, such as if there's never been a Neighborhood Watch Program, that would be a catalyst for that to happen as the neighbors start taking care of one another. As they improve the neighborhood park, they tend to want to take care of their front yards better and property values increase, and I think it's a win/win situation for everybody and it gives you more bang for your dollar because you'll have in-kind donations from organizations like Home Depot, Boy Scout groups or the Youth Commission gets involved, and I think overall it's going to be a very beneficial program to bring Savannah together, Chatham County together. Mr. Johnson, would you like to come up and make a few comments?

Vice Chairman Thomas said, okay, go ahead and then I'll --.

Mr. Van Johnson said, good morning. We are excited about this conceptual program. It's an opportunity for empowerment in the communities that we serve to be able to hopefully go into these neighborhoods with just seed money to be able to help them to provide the things they want in their community, and we're just requesting your direction and --, your conceptual approval and direction of this project.

Vice Chairman Thomas said, Commissioner Murray and then I have a comment.

Commissioner Murray said, yes, the only thing I want to say is that I think it's a great program and I think it will really benefit. We've done some things on a smaller scale than this at individuals' request when they would come do some things to help make some improvements, and I would just like to commend Commissioner Rayno for bringing this up. It was one of the first items I think you brought up when you came on the Commission, and so I think it's something that could go a long way and certainly benefit the different areas throughout the County.

Vice Chairman Thomas said, okay, I'd like to ask --, I think I read something where there's supposed to be \$10,000. Commissioner Rayno said, per district, yes mam. Vice Chairman Thomas asked, and where is this money coming from? Commissioner Murray said, each Commissioner is going to have to pay. Vice Chairman Thomas said, excuse me. Commissioner Murray said, we're going to get it off video poker machines. County Manager Abolt said, Dr. Thomas, at this juncture we're asking for conceptual approval. You would have to deal with this in your budget goal sessions as well as the budget you finally adopt come this later Spring of this year. Vice Chairman Thomas said, okay, I don't have any objection to it. I think it is a great program. We have done something similar in the Eighth District with the community neighborhood organizations, and we continue to do that. They have a real great model out in the Eighth District, I think in most of the neighborhoods that I'm aware of working in the self-help situation, so I have no objection to that, and I think any room for expanding that kind of thing where you get citizens involved in the process I think it's better for the community. My only concern is that you're announcing that Mr. Johnson will be heading up this program? County Manager Abolt said, Dr. Thomas, it will be a partnership. We'll take --, we're calling upon our very best in working with community resources. Mr. Golden has the lead augmented by the talents of Mr. Johnson. Mr. Johnson is here with the permission of Mr. Kaigler. He'll be on temporary assignment on this project and this project alone. Vice Chairman Thomas said, okay, my only objection to that part is that I do think that it needs to come under the auspices of Mr. Jim Golden, and I don't --, and I really don't wish to see Mr. Johnson just overtaxed because he is working with the Youth Commission and we're at the point now where we're just getting the Youth Commission nationally recognized and we are getting more involved. When we get to Washington this year, it's going to be more involvement there. Someone that can really relate to these young people, and we need that kind of dialogue. Everybody can't relate to young people and be able to, you know, speak their language and yet get them to do the kinds of things that we need to do. Chatham County has an excellent opportunity for extending that, and I just don't want to see Mr. Johnson overextended because we still need him to help support this program. County Manager Abolt said, very fair. Both gentlemen are outstanding. I did want to let each of you know that there was a reason why --, I was the one who selected Mr. Johnson, asked Mr. Kaigler if he could in effect free him up for this project without diminishing his contributions. There's a very important component to this and that is getting the Youth Commission involved in some of these projects, and beyond just the money, which obviously has a consequence to it, it's the experience in citizenship at the local level that I think will make these young men and women even better at what they are, and they truly are an outstanding cadre of future leaders of this community. Vice Chairman Thomas said, okay, so when we do do that I certainly would like to know more about it as well so that I can be on top of it. County Manager Abolt said, sure. Vice Chairman Thomas said, and --. County Manager Abolt said, and you have to approve the funding for it eventually. Vice Chairman Thomas said, try to help move forward, help to move this forward.

Commissioner Rayno said, on the funding aspect I would just like to add that it should not be viewed as an entitlement fund where every year the people come back and ask for the same money over and over again --. Vice Chairman Thomas said, I understand. Commissioner Rayno said, because I would be opposed to that, extremely opposed to that. What it is is just seed money as an experiment to get them moving along in the proper direction.

Commissioner Odell said, I make a motion to approve. Commissioner Gellatly said, I'll second. Commissioner Odell said, unless you wanted to make it, Jeff [Rayno]. Did you want to make that? Commissioner Rayno said, no, go ahead. Commissioner Jackel said, I'd like to amend it to that with what you just said, that the allocation of funds be for one year and we can come back and see how it [inaudible]. Commissioner Rayno said, sure, that would be fine. Commissioner Murray said, it's not going to be done until the next budget session. County Manager Abolt said, at this point you're conceptually approving. That certainly is appropriate, but the timing would have to be dependent upon you all putting the funding what the concept is. Commissioner Jackel said, right. Vice Chairman Thomas asked, did we get a second?

Commissioner Gellatly said, yes. Commissioner Jackel said, let's make sure Sybil's [Tillman] clerk on where we are on this thing. Vice Chairman Thomas said, all in favor. Commissioner Jackel said, that this thing is a possible limitation of one year. Vice Chairman Thomas said, okay. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

Commissioner Odell moved to approve the request for conceptual approval of a Park Self-Help Program with a possible limitation of one year. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]

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ORDER OF BUSINESS

Chairman Hair said, Madam Chairman, before we -- An oversight. I was going to place some things on here about the Ogeechee Canal Project on the agenda, and talked with Mr. Monahan and he led me to believe that it was already going to be coming up, but I see it is -- Commissioner Murray said, it's under Tabled Items. Commissioner Jackel said, it is a tabled item and we passed by, and we had some people here who wanted to make some comments. Vice Chairman Thomas asked, do you want to go back to that? Commissioner Jackel said, if we could go back and ask to take that off the table so some people here can make some comments on that. This will just give us some additional [inaudible].

[NOTE: Item VIII-3 was discussed at this point on the agenda.]

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4. REQUEST BOARD APPROVE AN APPLICATION FOR A DEPARTMENT OF JUSTICE GRANT TO IMPLEMENT A DRUG COURT IN THE SUPERIOR COURT, EASTERN JUDICIAL CIRCUIT, CHATHAM COUNTY, GEORGIA.

Commissioner Odell said, I make a motion to approve. Chairman Hair said, we have a motion. Do we have a second? Let's get a second first. Commissioner Rayno said, second. Chairman Hair said, second. Okay, Commissioner Jackel, you had a question?

Commissioner Jackel said, it's my understanding that this is not going to cost us any money that all we have is a soft match, people who are already in place. County Manager Abolt said, yes. Chairman Hair said, that's correct. County Manager Abolt said, it's a [inaudible] grant.

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

ACTION OF THE BOARD:

Commissioner Odell moved to approve an application for a Department of Justice grant to implement a Drug Court in the Superior Court, Eastern Judicial Circuit, Chatham County, Georgia. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Thomas were not present.]

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5. REPORT ON FEBRUARY 7, 2001, WORKSHOP ON UPDATING THE CITY OF SAVANNAH AND CHATHAM COUNTY ZONING ORDINANCES AND CONSIDERATION OF A PROCEDURE TO INITIATE AN UPDATE PROJECT.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, yes sir, with your permission I would like to defer to Mr. Newton. You have in your packet some very vital information. You had a very productive session over at the Civic Center. There's a need to gain some consensus from that meeting and possibly refine it further in concert with the Savannah City Council. County Manager Abolt recognized Mr. Newton.

Mr. Milton Newton said, Mr. Chairman, at the workshop on January 30th, several strains of thought began to come together. A brief word about five of these may be helpful. First, the desire community leadership, including yourselves, to undertake the work program was unmistakable, and that was the first decision that really needed to be made. Secondly, there was a clear consensus not to try to force a marriage between the City ordinance and the County ordinance, but instead try to make them as similar as possible and to work in the future to ensure that changes as they're proposed or amendments are evaluated for consistency to make sure that they do not diverge. Third, a consensus as interpreted by staff is somewhat still open, because there was comment to the contrary, was to use the current zoning regulations as the basic building block for updating the -, for making revisions and amendments, and it would be helpful to have that staff understanding confirmed. That decision would drastically reduce the universe from which we're having to deal and with -, would facilitate the cost estimates in those sort of issues. The fourth issue concerned the role of the elected officials, and it may still be premature to have you delve into that question. Some of you will probably become more intimately involved in the rewriting process, but at some point along that process there are some policy considerations that will be coming back to you that you'll need to address collectively. Finally, the confirmation of these understandings as we've identified them, as I said, would help reduce the publications that are involved. The next task as we see it is first to identify the time table and get consensus on that, to identify what consulting services are needed to augment the staff effort; third, what additional resources may be needed depending on the local level of staff participation, and how those available resources could best be used while still maintaining the day-to-day activities and operations of -, and work load. We had sent a memo to the County Manager, which may not have reached you yet -. County Manager Abolt said, they have it. Mr. Newton said, it has. Okay. Identifying that the State has changed their policy, which heretofore required or mandated an update of the County's comprehensive plan by the year 2003. That mandate has changed to 2008 because of several reasons which I won't go into, but that's pretty much statewide. It's not a local issue. Certainly the comp plan update and the zoning ordinance update needs to go hand in hand, but there are other options. For instance, we can postpone the comprehensive plan activities until after the zoning ordinance is updated, but there are some problems with that, as you can readily understand. The comp plan update includes the items such as the Southeast Chatham, the West Chatham. Hopefully, we'll -, not hopefully, we will have finished the Islands -. Commissioner Murray said, I'm glad you rephrased that. Mr. Newton said, okay. I was listening. But the purpose of the second workshop, which we will be setting up shortly, is to address these types of decisions and come back with a more finite information for a final decision to proceed. I think the Chairman of the Planning Commission, Helen Stone, would like to share some thoughts with you on this process also.

Ms. Helen Stone said, I would just really like to encourage you all to do the comp plan and the zoning updates simultaneously and not try to put one on the back burner while the other one's done. I mean, I just think they go hand in hand in that and I would encourage you to make the -, to do this right this go round and let's have everything that we need. Without a good text to work by it puts the MPC in a difficult position at best from time to time, and we're finding that need coming out repeatedly with petitions that are coming before us either with the language or the confusion or it's just not very clear, and I think the workshop indicated that you all are looking to see us do something, and I would like to do it right and I would like to take the time to do it right, and I think that the MPC staff concurs with that. Thank you.

Chairman Hair said, okay. Thank you. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, you know, my personal feeling is that I agree with what you're saying about doing them both together. I think it only makes sense to do it that way and I don't want to see us go through a process and not accomplish the things that we need to accomplish out of it. I also would encourage some outside participation also and involvement in this process, and I don't know if we're to that point yet, but once the decision's been made I guess you have to get something from the City and the County since we're going to be trying to do this together as much as possible. Mr. Newton said, that would be ideal. Ms. Stone said, we're looking for some direction. Commissioner Murray said, well, that would be what I think we need to do. Now if the City for whatever reason does not want to participate from that standpoint, then I think it's important to go ahead and move forward with those things in the County or the unincorporated area; however, I'm not saying that every zoning ordinance we have out there needs to be changed. We have some that probably could just be fine tuned, but I think we have too many zones and I think that needs to be reduced quite a bit if it can be done in the manner that it needs to. I also think when we go through this process that those ordinances need to be -, I know they have to have the legal side to it, but they need to be where the average person that doesn't do this on a daily basis can understand one when they read it and understand what's required of them because of that zoning ordinance when they move into an area. But I would agree with what you're saying and I think we need to move forward with this as quickly as possible, but I also think you need some outside participation also and not just all done by your staff and County staff and City staff and those people. I think we need [inaudible] we see what's happening. Ms. Stone said, we concur with that. I mean, that's going to be in the process.

Chairman Hair said, I -, two comments I would make. As I said to Commissioner Jackel earlier, I can count to five and I lost the fight of trying to get them together. I think it's -, to me it's ridiculous to have one set for the City and one set for the County. I think you could take care of all the differences of the City and the County with one single set of ordinances, and I think it's wrong to have those two, but I lost that fight so -. The other issue though is I do think it's important to de-politicize this process. I don't think you need the City Council and the County Commission engaged in the writing of this for a revision of this. You know, we're all going to have our own pet peeves and our own little inuendos that we want to put in there and that may not be best for the total community. It may be best for your district, but it might not be best for the total County. I do think it needs to be done by professionals and leave us out of the process except at the approval process. We need to be brought in to approve, but we do not need to be involved. You don't need Commissioners and Aldermen and the Mayor and the Chairman trying to write these ordinances. Ms. Stone said, we're just trying to -. Chairman said, it should be done by professionals. Pardon? Ms. Stone said, to get you all to agree that this process needs to be done. Not

necessarily –. Chairman Hair said, well, I think that was clear at the meeting at the Civic Center. I mean, I think all of us agreed that it needs to be done, but I think, you know, as somebody said earlier this morning too, the devil's in the details. I think how it's done is very, very important and, you know, I certainly, I think the consensus of this is to move forward, but again moving forward without knowing how it's going to be done, again you're asking us to sign a blank check, so I would like a little bit more specifics. I mean, I know you read them off to us, but I mean I wouldn't –, if you want specific items, I think we need something in writing specific to what you're asking us to vote on and then we could vote on it as a Commission and vote it up or down.

Commissioner Murray said, Billy [Hair], one thing they said that one time –. Mr. Newton said, that's for purpose of this next workshop –. Chairman Hair said, okay. Mr. Newton said, is to –. Commissioner Murray said, yes, but you had certain options out there too at one time. Did we throw all that out and start from scratch when we start doing this? Chairman Hair said, yes. Mr. Newton said, right. Commissioner Murray said, I don't think you –, I think you've got to do a combination of all those. Chairman Hair said, right, and that's –. Commissioner Murray said, not just say we've got a couple of bad ordinances so we're going to throw them all out and start over again.

Chairman Hair said, okay. Well, thank you. I think –. Ms. Stone said, we will see you at the next workshop. Chairman Hair said, very good.

ACTION OF THE BOARD:

Received as information.

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6. ACKNOWLEDGMENT OF A REQUEST TO THE GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) TO ASSUME GREATER COST OF THE US 80 WIDENING PROJECT AND AUTHORIZE DRAW-DOWN OF LOCAL SPLOST FUNDS FOR UNFORESEEN CONDITIONS RELATED TO THE TRADE CENTER'S ENTRY ROAD.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, this confirms and refines a procedure you approved back in May dealing with covering unforeseen conditions at the Trade Center primarily attributed to some problems with the entry road. Back in May when staff put together a way in which we could cover these costs and not affect the overall cost of the Trade Center, it was refined that the State of Georgia Department of Transportation could be approached to pick up construction costs of the U. S. 80 Widening Project, but we had to forward the County picking that up on a 50/50 basis, and it was very unusual, irregular for a normal local project agreement. Consequently, we approached the State and said make it normal and in effect that would free up sufficient money to allow us to cover unforeseen conditions. We were going all on that path until recently we were denied by GDOT at a very important juncture in cash flow that at the mid-management level of GDOT they did not agree with that. There is a reason for that, we understand. Because of Senate Bill 57 and the need for GDOT to level off funding from district to district. There is attached to the staff report, however, a letter to Mr. Coleman, Secretary of the Department, signed by me asking that he himself look at that and determine whether or not that decision might have been precipitous at best. At the same time the project I've identified has been delayed until 2006. If you adopt the staff report we have before you, we are running a bit of a risk. That risk would be that in 2006 when this project were to come up for funding, if the local project agreement were not changed to recognize a greater responsibility for the State of Georgia, then we would be short the amount of money we're requesting. We feel that is a reasonable risk to take primarily because of our very good relationship with Mr. Coleman and certainly with Mr. Triplett. I've yet to hear a response from Mr. Coleman though I've introduced the subject to him a few weeks ago. But again by adopting this, you're going to address a near term cash flow problem and that's allowing us to pay the contractor who's doing this work. In the long term worst case situation, we might come up short in funding this very important project when the State is finally ready to do it.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, you know, I've read this writeup and in paragraph three, page one, it talks about the \$2.5 million needed funds for unforeseen conditions, but then we talk about another million dollars could be used to cover the County's other responsibilities for this project. What other responsibilities other than unforeseen conditions for \$2.5 million do we have? County Manager Abolt said, they're referring to U. S. 80, I believe, referring to U. S. 80. It's just the way it's worded, sir. The intent, the pure intent is that when all is said and done we'd only have \$1 million for the widening project. I understand how you read it, and I apologize. That was not the intent.

Chairman Hair said, I also think, Russ [Abolt], it might be a good idea for maybe me, you and possibly the County Attorney to meet with Mr. Triplett and Mr. Coleman maybe in Atlanta. I do think this would go a long way to solving the problem. I think this was an example where someone down in the trenches because I was at the meeting when the original agreement was made, and that was clearly the agreement, and that has been since changed by somebody down in the trenches, and I think we need to have a meeting with Mr. Triplett and Mr. Coleman, and I think we could resolve this problem if we do. County Manager Abolt said, I'm as confident as you are in that, sir.

Commissioner Murray said, I'll agree with you because we did have an agreement made and –. Chairman Hair said, we certainly did. Commissioner Murray said, and we don't –. Chairman Hair said, I was there when it was made, so I –. Commissioner Murray said, and we based everything we were spending on these agreements. Chairman Hair said, right.

Commissioner Rayno asked, do we have to take action today? It just seems so risky to do it. County Manager Abolt said, we're asking you to take action for the reason being we have cash flow problems. Chairman Hair said, yes, I think we need to take action, Commissioner Rayno, but I think the risk is minimized because of –, I think our realistic possibility of working this out in Atlanta with Mr. Coleman and Mr. Triplett, so I think the risk is there obviously, but I think the risk is fairly minimal, and I do think we need to go ahead and move forward today based on staff recommendation.

Chairman Hair said, I'll entertain a motion. Commissioner Murray said, I'll make a motion to approve this with the understanding that y'all will go ahead with that meeting. Chairman Hair said, I have a motion. Do I have a second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.] Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner Murray moved to authorize a transfer of \$2.5 million from the 1985-1993 SPLOST, US80/Ogeechee Road from I-516/Lynes Parkway to Victory Drive (Account No. 330-6513), to the 1985-1993 SPLOST, Hutchinson Island Interchange (Account No. 330-6507), to cover the cost of Change Order 15 (unforeseen conditions related to the Trade Center's entry road as part of the Hutchinson Island Interchange). Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.]

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7. REQUEST FOR BOARD TO SCHEDULE BUDGET WORKSHOP FOR FISCAL YEAR 2002 AND TO CONTINUE THE HIRING FREEZE UNTIL YOUR FIRST MEETING IN MARCH.

County Manager Abolt said, yes sir. There's no backup staff report on this. As you've alluded to in the past, Mr. Chairman, it would be very beneficial to staff and certainly to myself to where we are in preparing the budget for next year if you would schedule in the near term a budget workshop. At the same time, at the end of this month the freeze on all positions with exceptions would end. I would ask that you allow yourself to be fully advised re: recent information contained in your six-month report. There will be a report in front of you for action on the 9th of March. I would suggest in addition to agreeing to have a workshop, you would also by motion extend your hiring freeze to your first meeting in March.

Chairman Hair said, on this budget workshop date, is there good days or bad days for most of you that we would want to rule out. I mean, it's going to be hard to get nine people scheduled together anyway, but –. Commissioner Kicklighter said, Monday's [inaudible]. Chairman Hair said, pardon? Monday's better for you? Does anybody have any problem with Monday's. Commissioner Murray said, Friday's are better for me. Chairman Hair said, I think let's just –, let's go ahead and get a date. Monday's kind of convenient. Let's go ahead and let me get with Gail [Gordon] and I'll have maybe Monday –, we'll probably do it a couple of weeks out. When are you going to be ready, Russ [Abolt]? County Manager Abolt said, whenever you are. Really it starts with you –, we're doing our number crunching work. Chairman Hair said, all right, let me get with Gail [Gordon] today and let's pick a Monday in the next couple of weeks unless you want to go ahead and set it now. If you want to go ahead and set it now we can. Do you want to pick –. What will be the second Monday in March? County Manager Abolt said, the 12th right now is –, would be wonderful from the standpoint of –. Chairman Hair said, I think that's going to interfere with the CAT meeting and NAFTA meeting. County Manager Abolt said, I would suggest you have it –. Chairman Hair asked, what about the first Monday in March? The Clerk said, NACo. Chairman Hair asked, that's NACo? County Manager Abolt said, also, sir, I think there's some need to have sequence from the information you're going to receive on the 9th of March. Chairman Hair said, okay. Now we know Monday's a good day, let me go ahead and work it out with Gail [Gordon] and we'll notify you. We'll try to get it on a Monday if possible. Does everybody agree with that? Okay, we'll work out a Monday date.

Chairman Hair said, okay, we need a motion to proceed –. County Manager Abolt asked, and you did extend the freeze, sir? Chairman Hair said, well, we haven't made a motion to do that. We need to do that now. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I'll go ahead and make a motion that we extend the freeze to whatever length of time is needed. Not that I think it's working, but I'll make a motion to do it. Chairman Hair said, we have a motion. Do I have a second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved that the Board extend the hiring freeze for whatever length of time is needed. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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X. ACTION CALENDAR

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

Chairman Hair asked, that takes us to the Action Calendar. Does anybody want to pull anything off? Commissioner Jackel said, I have a few items. Chairman Hair said, I'm sure. Why am I not surprised? Commissioner Jackel said, how about 5, 7, E, G -. Commissioner Murray said, wait a minute. Slow down, Martin [Jackel]. Commissioner Jackel said, E, G. Chairman Hair said, okay. Commissioner Jackel said, H, I, J, K and M. Commissioner Rayno said, and I want A and B. Commissioner Murray said, I have B. Have you got E? Commissioner Jackel said, I had E. Commissioner Murray asked, did you have C? Commissioner Jackel said, I didn't have C. Chairman Hair asked, do you want C? Commissioner Murray said, yes. Chairman Hair asked, which one did you want, Jeff [Rayno]? Commissioner Rayno said, A, B and M. Chairman Hair asked, A and B both? Commissioner Rayno said, yes. Commissioner Murray said, wait a minute. I think I had some on the other list too. Chairman Hair said, we might as well take them all individually. Commissioner Jackel said, no, we've got a bunch left out. Chairman Hair said, not many. Commissioner Murray said, 24. Chairman Hair asked, okay. Anything else? Commissioner Murray asked, you had 5 and 7, is that what you said? Commissioner Jackel said, I have 5 and 7. Chairman Hair asked, is that it? That's it.

Commissioner Rayno said, I make a motion to approve the rest of the Action Calendar. Chairman Hair asked, do I have a second. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Rayno moved that the Action Calendar be approved in its entirety with the exception of Items 5, 7, 24, 27-A, 27-B, 27-C, 27-E, 27-G, 27-H, 27-I, 27-J, 27-K and 27-M. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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

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1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 9, 2001, AS MAILED.

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the minutes of the regular meeting on February 9, 2001, as mailed. - Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD FEBRUARY 1, 2001, THROUGH FEBRUARY 14, 2001.

ACTION OF THE BOARD:

Commissioner Rayno moved that the Finance Director is authorized to pay claims for the period February 1, 2001, through February 14, 2001, in the amount of \$3,347,310. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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3. REQUEST BOARD APPROVE FINAL SETTLEMENT OF CLAIMS OF CATHERINE MAXWELL REGARDING AN AUTOMOBILE ACCIDENT THAT OCCURRED ON MAY 24, 2000, INVOLVING APO A. L. OSTEEN AT OR NEAR THE INTERSECTION OF EISENHOWER AND ABERCORN STREETS.

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the final settlement in the amount of \$9,500 for claims of Catherine Maxwell regarding an automobile accident that occurred on May 24, 2000, involving APO A. L. Osteen at or near the intersection

of Eisenhower and Abercorn Streets. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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4. REQUEST BOARD APPROVE FINAL SETTLEMENT OF ALL CLAIMS INVOLVING CHATHAM COUNTY, THE SHERIFF'S DEPARTMENT, AND AL ST. LAWRENCE IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA, SAVANNAH DIVISION, CASE ENTITLED, SHEILA ELANIE NEVILLE V. CLASSIC GARDENS, ET AL., CIVIL ACTION NO. CV-400-190.

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the final settlement in the amount of \$28,000 for all claims involving Chatham County, the Sheriff's Department, and Al St. Lawrence in the United States District Court for the Southern District of Georgia, Savannah Division, case entitled Sheila Elaine Neville v. Classic Gardens, et al, Civil Action No. CV-400-190. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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5. REQUEST BOARD APPROVE AGREEMENTS THAT WOULD ALLOW THE HISTORIC SHIP, BARBA NEGRA, TO DOCK IN SLIP 3 ON HUTCHINSON ISLAND.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, there's no indication in this report if there's going to be any fee for that. Mr. Pat Monahan said, no sir. We're not looking at a fee at this point. We're --, as you might have read in the paper, it's a rather complex issue involving the City of Savannah and the Barba Negra. The Barba Negra has docked on the west end of River Street for almost two decades without any agreement with the City. We have reached a point, regardless of the City's problems with the Barba Negra, that the County has now become involved because of our docking system. We are dislocating a private interest from in front of the Visitor's Center near the Hyatt, and it will assume that same area that the Barba Negra --, it has now docked. So now that enters the County into the fray, and we must assist in getting the Barba Negra relocated so that we can commencing with the docks to serve the ferry system. Chairman Hair said, dominos. Mr. Monahan said, yes, it is, and in meeting with the City and in meeting with the owner, we felt as though Slip 3 would be the most favorable location. One, because there's no development ongoing right now. The owner would agree to a three-year lease, and at which time he has noted that it has served as a tourism attraction, that families would come and visit. Well, we are insisting that he not allow anyone on the vessel itself, but that he just continue for it to be docked there, that he continue to operate it, and then at some point beyond three years we would look at a lease --. Commissioner Jackel asked, what does that mean operate but no one's allowed on it? Mr. Monahan said, meaning maintaining it. Commissioner Jackel said, okay. Mr. Monahan said, just maintaining it, that's it. Nothing else. And then at the end of three years we'd take a look at whether it fits in with the overall master plan for the Island for developing that portion of Slip 3 into some sort of tourist attraction because, you know, we're looking at NOAH at that site, we're looking at a couple of other tourism type attractions at that site, and it may fit in with that overall plan. We don't want to make a commitment beyond three years. Commissioner Jackel said, I'm just against his docking there for free. I think he ought to pay a reasonable fee.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I understand where he's coming from and I understand something's got to be done with that boat, but there have been problems, some real problems over the years with that boat, with the ownership of that boat, and with other things that go on with that boat. Now I know it's a tourist attraction, but it's not a safe one anymore from what I understand. Mr. Monahan said, well, let me explain. Commissioner Murray said, you did say you're that you aren't going to allow people to go on the boat. Well, what will we do with a boat over there --, I mean, what kind of insurance do we have on anything with that? Mr. Monahan said, first of all, we would enter into a formal lease agreement that would outline our --, each party's responsibilities. We have not gotten to that point because, as you know, we don't own the property yet. So, what we will do is approach CSX, which I have already done, the property owner, to allow the Barba Negra to dock there temporarily until it becomes under County control, and at that point we would enter into a lease agreement, and it would be brought back before the Commission for a decision. The past bad publicity about the boat is not due to the owner, and I didn't attach the article. There was a prosecution of an individual involved --. Commissioner Murray said, I know all about that, it was an individual. Mr. Monahan said, but it did not involve the owner of the vessel. Commissioner Jackel said, yes, but it involved his lack of supervision. Commissioner Murray said, mine doesn't just stem --, my concerns don't just stem from that particular issue. Mr. Monahan said, okay. Commissioner Murray said, there have been other issues out there. My other concern is if we allow this, and I think I know what the answer's going to be and I probably won't agree with the answer, but if we allow this and the boat goes over there, they have problems with the boat, it's not in the best of shape, it needs an awful lot of work on it, that boat sinks in that slip, the owner decides he doesn't have the money

to remove it, we go after the owner, but ultimately we would be the ones removing that boat and paying the expense to do that, and then hopefully be reimbursed by him. Is that right or wrong? Commissioner Jackel said, that's right. Mr. Monahan said, with that question --, in fact, I have already asked that question of the attorney. One part of this whole deal that I'm fearful of is, just as you pointed out, what happens if the boat sinks and what are the County's obligations under maritime law, and I think Mr. Hart has suggested that when we get to the lease agreement he is going to confer with a maritime attorney who specializes in those areas to make sure we're fully protected. Commissioner Murray said, I just think we need to be very cautious with it. I think it's a great --, I'd love to have the boat and have the money to put it back in shape. It's a beautiful boat.

Chairman Hair said, well, I think we've also got to realize here though, we're --, obviously we're going to take some risk, but we'll have the chance to see the lease, but my concern is if we don't approve this today that we could jeopardize, you know, putting our docks for our ferries in, and that worries me more. I just think the risk that we're taking is reasonable when we consider if we don't do it, then --, because there are two other parties, a private party and the City of Savannah's involved in this issue, and we're going to delay a very serious thing today, I think, if we don't approve this. Mr. Monahan said, we are two weeks away from starting construction on the ferry docks. Chairman Hair said, right, and if we're going to push that back --. Mr. Monahan said, and fall into place rather quickly. If the Commission happens to deny it, then we'll scramble around and think of something else, but --.

Commissioner Odell said, but we'll get the agreement back? Mr. Monahan said, yes sir. Chairman Hair said, before we [inaudible]. Mr. Monahan said, yes sir. Once it becomes County property, we will enter into a formal agreement.

Commissioner Odell said, so moved. Chairman Hair asked, we have a motion to approve. Do we have a second. Commissioner Thomas said, second.

Commissioner Rayno asked, how close is construction to where this ship is going to be? Mr. Monahan said, no where. The slip is 1200 linear feet and it's near the back, so there's no construction involved at all.

Chairman Hair said, okay, we have a motion and second. All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved to approve agreements that would allow the historic ship, Barba Negra, to dock in Slip 3 on Hutchinson Island. Commissioner Thomas 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.]

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6. REQUEST BOARD APPROVE A PLAN AND RELATED AGREEMENTS THAT WOULD ENABLE THE KING-TISDELL FOUNDATION TO USE ITS DESIGNATED 1% SPLOST FUNDING (1998-2003) FOR CAPITAL IMPROVEMENTS TO THE KING-TISDELL COTTAGE AND BEACH INSTITUTE.

ACTION OF THE BOARD:

Commissioner Rayno moved to approve a plan and related agreements that would enable the King-Tisdell Foundation to use its designated 1% SPLOST funding (1998-2003) for capital improvements to the King-Tisdell Cottage and Beach Institute. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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7. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: JOHN A. HENDERSON, D/B/A COUSIN VINNIES PIZZA, FUN & GAMES TAVERN, LOCATED AT 4700 HIGHWAY 80 EAST. [DISTRICT 4.]

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I don't believe these statistics that I see in front of me. Commissioner Murray said, now wait a minute. Why are you pulling something like that that's in my district and talking about? Commissioner Jackel said, that's

right. Chairman Hair said, and it's his cousin too. Commissioner Jackel said, his cousin Vinnie, that's right. I'll be glad to let you pull this out. Commissioner Murray said, I didn't have it circled to pull. You did. Chairman Hair said, he's in favor of it. You're the one opposed to it. Commissioner Jackel said, I have -. He's saying he's got annual receipts for sales of \$37,000 in food and almost that much receipts in liquor, and a total of \$73,000. I don't think he's showing us accurate figures of what his thing is in -. Commissioner Murray said, he sells a lot of food. Commissioner Jackel said, that's, you know, the standard in the industry is if you make a third for overhead, a third for the cost of the product and a third for profit. If you take that, he's not making [inaudible] and he can't operate -.

Chairman Hair asked, what gives you the knowledge to make that decision? Commissioner Jackel said, a lot of time smelling out rats, and I smell one here, and I don't believe these figures. Chairman Hair said, well, make a motion.

Commissioner Jackel said, well, I make -. I said we shouldn't make negative motions though. Chairman Hair said, well, do you want -. Commissioner Jackel said, if no one makes -. Chairman Hair said, see, what goes around comes around. Commissioner Jackel said, that's the problem. If you say that they don't get the license and you go to court, does that mean they get a license.

Commissioner Murray asked what would happen if I would make a motion to deny it and we turn around and voted [inaudible]. Commissioner Jackel said, so make a motion and it doesn't -. Chairman Hair said, Commissioner Murray's going to make a point to approve it. Commissioner Jackel said, make a motion to approve and we can vote against. Commissioner Murray said, I'm going to make a motion to approve this and at the same time -, I understand your concern, but -. Commissioner Jackel said, I don't believe those figures. Commissioner Murray said, well, there are a lot of places throughout Chatham County that I don't believe the figures, but we aren't the ones that have the authority to go in there and do it. We have other people doing that. Chairman Hair asked, do I have a second? Commissioner Odell said, second. Chairman Hair said, all those in favor 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.

ACTION OF THE BOARD:

Commissioner Murray moved to approve the petition of John A. Henderson, d/b/a Cousin Vinnie's Pizza, Fun & Games Tavern, located at 4700 Highway 80 East, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Odell 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.]

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8. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: PANAGIOTIS A. KIRIAKOS, D/B/A SNAPPERS SEAFOOD RESTAURANT, LOCATED AT 104 BRYAN WOODS ROAD. [DISTRICT 4.]

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Panagiotis A. Kiriakos, d/b/a Snappers Seafood Restaurant, located at 104 Bryan Woods Road, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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9. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: WILLIAM MICHAEL FOSTER, D/B/A WILMINGTON ISLAND CLUB, LOCATED AT 612 WILMINGTON ISLAND ROAD. [DISTRICT 4.]

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of William Michael Foster, d/b/a Wilmington Island Club, located at 612 Wilmington Island Road, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 10. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: JOHN ROBERT TURNER D/B/A ISLAND OYSTER BAR, LOCATED AT 444 JOHNNY MERCER BOULEVARD.
[DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of John Robert Turner, d/b/a Island Oyster Bar, located at 444 Johnny Mercer Boulevard, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 11. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: JOHN R. TURNER D/B/A PEARL'S ELEGANT PELICAN, LOCATED AT 7000 LAROCHE AVENUE.
[DISTRICT 3.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of John R. Turner, d/b/a Pearl's Elegant Pelican, located at 700 Laroche Avenue, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 12. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: BRYAN LEE HALE, D/B/A SOUTHBRIDGE GOLF CLUB, LOCATED AT 415 SOUTHBRIDGE BOULEVARD.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Bryan Lee Hale, d/b/a Southbridge Golf Club, located at 415 Southbridge Boulevard, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 13. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: WILMA LEA WEAVER, D/B/A CHEER'S TO YOU RESTAURANT/LOUNGE, LOCATED AT 135-B JOHNNY MERCER BOULEVARD.
[DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Wilma Lea Weaver, d/b/a Cheer's To You Restaurant/Lounge, located at 135-B Johnny Mercer Boulevard, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 14. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: KATHRYN H. HIEBERT, D/B/A MARSHWOOD COUNTRY CLUB, LOCATED AT 11 WESTCROSS, THE LANDINGS.
[DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Kathryn H. Hiebert, d/b/a Marshwood Country Club, located at 11 Westcross, The Landings, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 15. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: KATHRYN H. HIEBERT, D/B/A OAKRIDGE CLUB, LOCATED AT 11 WESTCROSS, THE LANDINGS.
[DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Kathryn H. Hiebert, d/b/a Oakridge Club, located at 11 Westcross, The Landings, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 16. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: KATHRYN H. HIEBERT, D/B/A PLANTATION CLUB, LOCATED AT ONE COTTONWOOD DRIVE.
[DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Kathryn H. Hiebert, d/b/a Plantation Club, located at One Cottonwood Drive, The Landings, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 17. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: KATHRYN H. HIEBERT, D/B/A DEER CREEK CLUB, LOCATED AT ONE DEER CREEK ROAD, THE LANDINGS.
[DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Kathryn H. Hiebert, d/b/a Deer Creek Club, located at One Deer Creek Road, The Landings, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 18. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: MARY ELIZABETH GARRETT, D/B/A THE SHELL HOUSE RESTAURANT, LOCATED AT 8 GATEWAY BOULEVARD.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Mary Elizabeth Garrett, d/b/a The Shell House Restaurant, located at 8 Gateway Boulevard, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 19. **REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: RAYMUNDO L. JAIME, D/B/A EL POTRO MEXICAN RESTAURANT #14, LOCATED WITHIN THE ECONOLOGGE MOTEL AT 7 GATEWAY BOULEVARD. [DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Raymundo L. Jaime, d/b/a ElPotro, located within the Econolodge Motel at 7 Gateway Boulevard, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 20. **REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: DONNA M. LOVE, D/B/A LOVE'S SEAFOOD RESTAURANT, LOCATED AT 6817 BASIN ROAD. [DISTRICT 6.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Donna M. Love, d/b/a Love's Seafood Restaurant, located at 6817 Basin Road, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 21. **REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: ROBERT F. HEFFERNAN D/B/A HOLIDAY INN - SOUTH, LOCATED AT I-95 & HIGHWAY 204. [DISTRICT 6.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Robert F. Heffernan, d/b/a Holiday Inn - South, located at I-95 and Highway 204, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 22. **REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: SURENDRA PATEL, D/B/A DENNY'S RESTAURANT, LOCATED WITHIN THE BEST WESTERN AT ONE GATEWAY BOULEVARD. [DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Surendra Patel, d/b/a Denny's Restaurant, located within the Best Western at One Gateway Boulevard, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 23. **REQUEST FOR A NEW BEER & WINE RETAIL PACKAGE LICENSE FOR 2001. PETITIONER: GREGORY KEITH MARTIN, D.B.A WAL-MART SUPERCENTER #635, LOCATED AT 6000 OGEECHEE ROAD.**

[DISTRICT 6.]

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Gregory Keith Martin, d/b/a Wal-Mart Supercenter #635, located at 6000 Ogeechee Road, for a new beer and wine retail package license for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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24. REQUEST BOARD APPROVAL FOR VEHICLE 409 (INSPECTIONS), 535, 538, AND 539 (TAX COMMISSIONER) TO BE OPERATED WITHOUT PERMANENT CHATHAM COUNTY DECALS AFFIXED TO THE VEHICLES.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I just want to ask a question. We've got --, in other words, we have County vehicles that are owned by the taxpayers that we want to allow to be out on the streets with no identification on it. Is that what we're saying? County Attorney Hart said, yes. Mr. George Lynch said, no sir. No decals. Commissioner Murray said, well, he says yes, you said no. Chairman Hair said, you need to get together. You've got two separate answers. County Attorney Hart said, no decals. Commissioner Murray said, no identification. Is that right? County Attorney Hart said, there isn't going to be any identification on these vehicles, are there? Mr. Lynch said, my understanding is the licenses are going to be on. Commissioner Murray said, the license plate says government. Everybody can see one of those. Mr. Lynch said, your decals will not. Commissioner Murray said, the problem I have, and I don't know what the reason is why they don't want decals, but I don't have a problem with one of those round white County decals on there recognizing it as a County vehicle. It doesn't have to be all over the whole side of the car.

Chairman Hair asked, what was the rationale given for not wanting them on there? Commissioner Murray said, I don't understand it. Mr. Lynch said, the rationale, sir, for not having them on there, in the case of one Inspector vehicle, from time to time it is necessary for Gregori [Anderson] to conduct, if you would, a low-key reconnaissance of an area. Chairman Hair asked, why couldn't he get an undercover police car or something? Mr. Lynch said, instead, sir, what he has is a magnetized decal that's on the vehicle any time except when he goes out as low-key --.

Commissioner Murray said, is that the same thing they do with the three Tax Commissioner vehicles, they want the same thing on? I don't understand. Mr. Lynch said, the three Tax Commissioner vehicles, and by the way Danny Powers is out of town. He said if there are questions, I'd sure appreciate it if they tabled and wait until I'm back next week. Commissioner Murray said, well, let me ask you a question.

Chairman Hair asked, what's the rationale? Mr. Lynch said, the rationale, sir, is the fact that when they have people doing skip traces, going off to people who have written bad checks, things of this nature, if you drive up with a County-marked car, they are not going to even answer the door.

Commissioner Murray said, George [Lynch], let me interrupt you a minute and ask you one more question. Mr. Lynch said, yes sir. Commissioner Murray said, we've got four vehicles we're discussing, right? Mr. Lynch said, yes sir. Commissioner Murray said, I want to know out of those four, do any of these individuals drive those cars as their personal vehicle assigned to them in those departments back and forth or wherever they go. If the question's yes, put the stickers on them. That's my feeling.

Commissioner Odell said, I think we've got to put stickers on them. Mr. Lynch said, I beg your pardon, sir. Commissioner Odell said, I think we've got to put stickers on them.

Commissioner Murray said, and it doesn't hurt that --, I've seen them on the vehicles. They aren't that big around. That's no joke. You've got a County tag on there haven't you? Mr. Lynch said, my understanding is the County tag would remain. Commissioner Murray said, [inaudible] represent the government because I don't have a sticker on there, but I have a government tag. Tell me the difference.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, I just want to refresh y'all's memory. Last meeting you had a public hearing on this. We'll be glad to bring this back to you. Commissioner Murray said, I didn't know we had four automobiles coming to us out of these departments for those kind of requests. The taxpayers paid for those cars and they should be able to identify them. County Manager Abolt said, I understand what you're saying. We were just doing what we thought was a continuation of your public hearing. Commissioner Murray said, it's not like the law enforcement going out and doing an undercover operation. That's different.

Chairman Hair said, I'll entertain a motion. Let's move on. Commissioner Rayno said, I make a motion to put stickers on those cars. Chairman Hair said, all right. Do I have a second? Commissioner Odell said, second. Chairman Hair said,

second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Rayno moved to place stickers on Vehicle 409 (Inspections), 535, 538 and 539 (Tax Commissioner) to identify the vehicles as Chatham County vehicles. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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25. BOARD CONFIRMATION OF COUNTY SOIL EASEMENT FOR TRUMAN PARKWAY.

ACTION OF THE BOARD:

Commissioner Rayno moved to authorize the Chairman to execute Soil Easements for Truman Parkway Phase III and Phase IV with Bethesda-Union Society of Savannah, Inc., and with Southside Communities Fire Protection, Inc. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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26. TO ASSIST PARENT AND CHILD DEVELOPMENT SERVICES, INC. IN APPLYING FOR A CHILDREN AND YOUTH COORDINATING COUNCIL GRANT.

ACTION OF THE BOARD:

Commissioner Rayno moved to assist Parent and Child Development Services, Inc., in applying for a Children and Youth Coordinating Council Grant. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. Annual software maintenance contract	Assessor	Terra Soft Systems (sole source)	\$27,325	General Fund/M&O - Assessor
B. 40 Dell computers	Library	Dell Marketing (state contract)	\$52,880	SPLOST (1998-2003) - Library Technology
C. Annual contract with option to renew for two additional one year terms to provide security services at the Bull Street Library	Library	Pioneer Security Service (MBE)	\$69,056	General Fund/M&O - Library
D. Design and engineering services contract of a right turn lane on Gulfstream Road at SR 21	SPLOST	Lowe & Associates	\$19,980	SPLOST (1985-1993) - Gulfstream Road at SR21
E. Change Order No. 3 to the contract for the construction of Jimmy DeLoach Parkway Interchange at SR21 for additional work due to unforeseen conditions	SPLOST	R.B. Baker Construction	\$318,627.43	SPLOST (1993-1998) - Jimmy DeLoach Parkway, Phase II (pending transfer)
F. One (1) 4x4 pickup truck	Engineering	J.C. Lewis Ford	\$17,249.30	Land Disturbing Activities Ordinance budget
G. One year lease extension for the building occupied by CNT	C.N.T.	Martin, Tovah & Ellen Melaver	\$72,539.52 plus the percentage increase in the CPI	General Fund/M&O - C.N.T.

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
H. Customized audio visual surveillance equipment	C.N.T.	AccuQuest Corporation (sole source)	\$51,530	Confiscated Funds - C.N.T.
I. Contract for probation services	Superior Court	Pride Integrated Services	N/A	N/A
J. Contract to provide tutorial program	Juvenile Court	West Broad Street YMCA	Not to exceed \$2,000	Multiple Grant Fund - Juvenile Court
K. Storage Area Network	I.C.S.	XioTech (sole source)	\$488,550	CIP - NetPlan 2000
L. Cisco ethernet network gear for Old Courthouse	I.C.S.	Entrè Computer Center (MBE)	\$22,232	CIP - NetPlan 2000
M. One month extension to the contract for the operation of the Aquatic Center	Parks and Recreation (Aquatic Center)	Champion Corporation	\$10,250	General Fund/M&O - Aquatic Center

As to Items 27-D, 27-F, and 27-L:

Commissioner Rivers moved to approve Items 27-D, 27-F and 27-L. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

As to Item 27-A:

ANNUAL SOFTWARE MAINTENANCE CONTRACT; ASSESSOR; SOURCE: TERRA SOFT SYSTEMS (SOLE SOURCE); AMOUNT: \$27,325; FUNDING: GENERAL FUND/M&O - ASSESSOR.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, yes, I just wanted to ask Mr. Udinsky, since he's here, whether or not this amount's going to cover updates to the CAMA system, which would handle the new implementation of the Stephens-Day Bill? Mr. Gary Udinsky said, no. Chairman Hair said, okay. Commissioner Rayno asked, no? So that'll cost extra? Mr. Udinsky said, yes. Commissioner Murray said, that's a long walk for just for that one comment. Commissioner Rayno asked, so what is that, that's just we pay them this month just for being there? Mr. Udinsky said, that's annual maintenance. You pay that for updates, [inaudible] fixes, any and --, primarily updates and anything that goes wrong with the software that they can fix. Commissioner Rayno asked, so wouldn't the Stephens-Day Bill implementation be an update to the current software? Mr. Udinsky said, that's new. That's new, that's just for us. They're a national organization. Their updates are national in nature and those are the ones we get free. For instance, they're developing a new package that's supposed to be available to us next year. That completely redoes their software and makes it run in an environment that we're more --, that the County is more interested in seeing the software run in. It also makes it graphical in nature instead of character based and so forth. Those updates are the updates we get free. Commissioner Rayno asked, is this the company that will be doing the Stephens-Day updates? Mr. Udinsky said, this is the company that is doing the Stephens-Day updates. Commissioner Rayno said, okay. How long has it been since you updated the CAMA system? You've had it for eight years? Mr. Udinsky said, oh, you know, we --, well, let's see. We did two updates last year. The first update was --, no, I'm sorry. Commissioner Rayno said, okay, that's fine. Mr. Udinsky said, we did an update to make it Y2K compliant and then we did an update to change the operating system that it was run on.

Commissioner Rayno said, I move to approve. Commissioner Murray said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

As to Item 27-B:

40 DELL COMPUTERS; LIBRARY; SOURCE: DELL MARKETING (STATE CONTRACT); AMOUNT: \$52,880; FUNDING: SPLOST (1998-2003) - LIBRARY TECHNOLOGY.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno asked, what happens to the computers after they're determined to be no longer functional for the Library? Mr. Lynch said, the fundamental --. Pardon me, I'm sorry. The options that you have on those, of course, if you can in any way reutilize a portion of them within Chatham County, and considering the age of these, that is unlikely, you could scavenge. You can offer them for sale, publicly advertised, and bid them, and the market is deader than a doornail.

Our problem particularly, when you get into your monitors, which now have been held to contain information –, I mean, materials that are not good for human health, is finding somebody who'll take it from you instead of making you pay for them. We also have got something that creates a problem or makes it really impossible to donate them to a public organization, a non –. Public we can do, but to a nonprofit we cannot. The reason for that, of course, is the anti-gratuity clause in the Constitution that says you can't give them away. Commissioner Rayno asked, would it be helpful to have a State law that says that we could give these computers for a nominal fee to nonprofits under State law? County Attorney Hart said, you'd have to make a Constitutional –. Chairman Hair said, it's a Constitutional amendment. Mr. Lynch said, Constitution rather than a law is your problem. Commissioner Rayno said, by public organizations, you mean like we could give it to other –. Mr. Lynch said, we can give it to a school, a public school. That's a government entity. We can give it to the City of Savannah, but we could not give it, with the anti-gratuity clause, to let's say –. Commissioner Jackel said, YMCA. Mr. Lynch said, a private or –, yes, the YMCA would be a good example. Private schools would be another one that we could not give to.

Chairman Hair said, Commissioner Murray has a question.

Commissioner Murray said, my question, I guess it's probably, it might have been a year ago that the Library was receiving all this funding to buy new computers through the Bill Gates Foundation, and if I'm not mistaken they put new ones in all the Libraries except Wilmington Island and Tybee. Commissioner Jackel said, yes. Commissioner Murray asked, you remember that, don't you? Chairman Hair said, yes, I remember that. Commissioner Murray said, I guess my question is, if we've gotten all those, what are these 40 additional computers going towards? Mr. Lynch said, my understanding is that in the Library system, the things that do everything from check-out of books to the other, they have got very old computers. They are unable to handle the application. Commissioner Murray said, they just bought new scanners and stuff to do that.

Commissioner Rayno asked, how old are the computers? I'm still using a Tandy Sensational 25 megahertz that works just fine. It goes on the Internet, and I've got a 200 megahertz one at home with 32 megabytes of RAM that goes fine. I don't understand how all of a sudden this technology is unusable. Mr. Lynch said, I will be glad to get you that answer. I'm not –.

Chairman Hair said, I'm not sure Mr. Lynch is the appropriate person –. We need somebody from the Library here.

Commissioner Murray said, there's no need that these have got to be purchased today. Can they wait two weeks, and if they can –. Mr. Lynch said, I am confident they can wait two weeks, yes sir. Commissioner Murray said, I move to table it until then. Commissioner Kicklighter said, second. Mr. Lynch said, and we will have Bill Johnson here to give you the details.

Chairman Hair said, we have a motion to table and a second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.]

As to Item 27-C:

ANNUAL CONTRACT WITH OPTION TO RENEW FOR TWO ADDITIONAL ONE-YEAR TERMS TO PROVIDE SECURITY AT THE BULL STREET LIBRARY; LIBRARY; SOURCE: PIONEER SECURITY SERVICE (MBE); AMOUNT: \$69,056; FUNDING: GENERAL FUND/M&O - LIBRARY.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, the only reason I wanted this, are we still having a lot of problems with security over there, or has that been stopped or is this another one of them we need to –? County Manager Abolt said, I'm not aware of any and I believe that the involvement of Chief Sprague and his folks, as well as the very, very receptive attitude of Mr. Johnson is a winning combination. Commissioner Murray asked, and we don't have a contract to put security in any of the other libraries? The branches, is that right? Just the only place we have it is at the Main Library? Mr. Lynch said, not that I am aware, sir. Commissioner Murray said, okay.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, we set up a subcommittee composed of Precinct 2 Commander, a level of staff. The schools in the immediate area and after two or three meetings, I think we've identified the problem and the problem has been solved. Chairman Hair said, okay. Commissioner Odell said, we don't have a high crime level.

Commissioner Murray said, I guess my question then, if that's the case, is there a need to continue this? County Manager Abolt said, yes. Chairman Hair said, well, that might be part of the reason it's been solved. Commissioner Odell said, yes.

Commissioner Murray said, move for approval. Chairman Hair said, we have a motion to approve. Second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

As to Item 27-E:

CHANGE ORDER NO. 3 TO THE CONTRACT FOR THE CONSTRUCTION OF JIMMY DELOACH PARKWAY INTERCHANGE AT SR21 FOR ADDITIONAL WORK DUE TO UNFORESEEN CONDITIONS; SPLOST; SOURCE: R. B. BAKER CONSTRUCTION; AMOUNT: \$318,627.43; FUNDING: SPLOST (1993-1998) - JIMMY DELOACH PARKWAY, PHASE II.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, the explanation in here sounds reasonable. I just wanted to bring that up. That just bothers me that it's \$318,627 above what we had originally contracted for, and it just –.

Commissioner Thomas said, move for approval. Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.]

As to Item 27-G:

ONE-YEAR LEASE EXTENSION FOR THE BUILDING OCCUPIED BY CNT; CNT; SOURCE: MARTIN, TOVAH & ELLEN MELAVER; AMOUNT: \$72,539.52 PLUS THE PERCENTAGE INCREASE IN THE CPI; FUNDING: GENERAL FUND/M&O - CNT.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, when this came up the last time I was against this. We're paying too much money. There are other facilities available and we need to look for another facility for less cost than this. We could be purchasing something or building something. That's a substantial amount of money and I think we could do better if we look elsewhere. Mr. Lynch said, thank you, sir.

Chairman Hair asked, do you have a question, Commissioner Murray?

Commissioner Murray said, yes. After going through the facility over there I would kind of agree with that because I think they need some more room anyway, and they put it –. It also would have to be an area where –, well, that's something they need to get into. My question is though, is this something that can be paid for out of confiscated funds? County Manager Abolt said, no sir. Commissioner Murray asked, it cannot be? Mr. Lynch said, no. Commissioner Murray said, okay.

Chairman Hair said, okay, I'll entertain a motion. Commissioner Odell said, let me just –.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell asked, what about the unit being moved to the old jail? Have we filled up all of the occupied, the space in the old jail? Commissioner Jackel said, [inaudible] make it Juvenile Court. County Manager Abolt said, there was tactical reason why they replaced what they replaced.

Commissioner Murray said, I mean, they're supposed to be placed separated from adults. County Manager Abolt said, yes sir. Some of you, and I understand the reason why, there was a tactical reason why that site was chosen. Chairman Hair said, yes. Commissioner Jackel said, I just think that's –.

Chairman Hair said, okay, I'll entertain a motion. Commissioner Kicklighter said, I'll make a motion to approve. Chairman Hair asked, second? Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Jackel and Odell voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

As to Item 27-H:

CUSTOMIZED AUDIO VISUAL SURVEILLANCE EQUIPMENT; CNT; SOURCE: ACCUQUEST CORPORATION (SOLE SOURCE); AMOUNT: \$51,530; FUNDING: CONFISCATED FUNDS - CNT.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, we just did this –. Chairman Hair said, no, we didn't. Commissioner Jackel said, I mean, there has not been something that they haven't been buying this sort of three custom designed tactical video and audio surveillance systems. I remember voting on this a couple of other things previously. County Manager Abolt said, what you did, sir, this is the progression of the administration. The last meeting, I believe it was, you approved the budget transfer. Now you're actually consummation the budget transfer buy buying something. Commissioner Jackel said, I thought we bought other stuff where they had to have it and had –. County Manager Abolt said, you may very well, but the sequence has to be here to put the money in place.

Commissioner Murray said, a lot of other stuff has been bought from this particular company because it's the only company that they can buy all this from. It's not just this what we're doing today.

Commissioner Jackel asked, can we get some sort of list of how much of this stuff that they have and –. I mean, I'm just –, I mean, they're getting carte blanche out there. Commissioner Murray said, I don't think so. Commissioner Jackel said, it just keeps coming through. Chairman Hair said, we need to be careful about that.

Commissioner Murray said, I would recommend that maybe they set up a meeting with Commissioner Jackel to go over there and sit down and go through the facility and see what is actually done –. Chairman Hair said, that needs to be done personally in person and not put in writing. I agree. Commissioner Jackel said, I don't know if you've been through there or not, but I think it would –. Commissioner Jackel said, I have been through there. I think we need someone maybe outside who –, I wouldn't know what I was looking at. Maybe we could get Pete [Nichols] to go over there and see whether they need all of this stuff or not.

Chairman Hair said, I think you need to go over there personally and –, you know, you're the one that's concerned, so you need to go over there. Commissioner Jackel said, we all need to be concerned that on every agenda we're buying more equipment, more equipment.

Commissioner Kicklighter said, I agree. I mean, I understand where you're coming from, but recently we were elected to this position and Mr. Rayno, the Chief and myself had the opportunity to go through and take the tour, and that was really helpful. Chairman Hair said, yes. Commissioner Kicklighter said, and again, keeping in mind that it's a security issue, everything else. They're really using some innovative ways to save us money when it comes to detection devices and doing a good –. I believe in my opinion it would be helpful to go check it out. Commissioner Jackel said, we've got an expert sitting up here, maybe he'll go on through and check it out for us.

Chairman Hair said, I'll entertain a motion. Commissioner Murray said, I move for approval. Chairman Hair said, we have a motion. Do we have a second. Commissioner Thomas said, second.

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, first of all, talking about this expert, I did go through it and I spent my career being an administrator not a technician, but the equipment they have looks like it's good equipment, but I know that the task that they have at hand they do need state-of-the-art equipment. The problem is the bad guys quite often have better equipment than we do.

Chairman Hair said, all right, we have a motion and a second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

As to Item 27-I:

CONTRACT FOR PROBATION SERVICES; SUPERIOR COURT; SOURCE: PRIDE INTEGRATED SERVICES; AMOUNT: N/A; FUNDING: N/A.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I have problems with this one in that where it's –, there's nothing in here telling us whether Pride Probation is doing a good job. The feedback I get, and maybe Commissioner Odell gets different feedback, is they're more concerned about getting money than getting anything done about the people on probation. The other thing is Item 3 states it is important to note that this contract is at no cost to Chatham County or the courts and all fees are paid by the probationers. That bothers me. We need to make sure that these people are properly supervised so they don't commit any more crimes and, if they do, they that they're quickly apprehended. We shouldn't be looking at criminal justice as a moneymaking or a non-moneymaking or it's not costing us money even though I've just been complaining about the way we've been spending, but someone's coming at this from the wrong perspective in that they haven't provided us that they know these people are going to do a good job and they think the thing that impresses me is it's not going to cost us any money. I'm willing to spend money when I think it's going to control crime. I will ask the question if we may be spending too much or spending it in the wrong areas and priorities are right, but this –, not only myself, but all the Commissioners have been willing to do that, and I just think this here doesn't answer our questions.

Mr. Lynch said, the information, sir, we have is that Pride is in every way meeting its contract requirements. In this particular case, the reference to it being no cost is simply to try to make it clear that it was not coming out of the M&O pile. Obviously, there is a recognition and whether you're looking at Recorder's Court, whether you're looking at State Court, in each case there's a very real interest in getting probation firms that meet the requirements of those judges. In this case, we are talking about a rather small number. As you know, most misdemeanor cases don't go to Superior Court. Superior Court was able because of that in the past to get it handled by State probation; however, the State now has taken the position that they cannot do that anymore and they're in the awkward position of finding someone to take it. Their judges, and bear in mind, you're approving this one as the governing body, but the selection is made and the actual contract is between the judges

and the probation firm. We're giving this one an approval. In answer to the direction question, everything that I have gotten back is that Pride is doing a good job.

Chairman Hair said, I'll entertain a motion. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I just have a question. Why is there not a local firm that we use and we went all the way to West Palm Beach? Mr. Lynch said, we have the largest, by all means, of the probation area is Recorder's Court and that is --, that probation service is being provided by a local firm.

Chairman Hair said, they've also --, have opened a local office too. Mr. Lynch said, Pride is here. Chairman Hair said, even though they're headquartered in West Palm Beach. Commissioner Jackel said, the State Court did not like the local people and they went out of state and got this group.

Commissioner Odell said, I don't know if we're going out of order or not. I raised my hand and I wanted to be coming after Martin [Jackel]. My impression is that Pride has done an exceptional job, and I think the reason we know that to be the case, because the State Court Judges had to do an evaluation to be sent to the Superior Court Judges and it would indicate the Judges made the decision, and I think the Judges were able to talk very freely about the service. I might conceptually --.

Commissioner Jackel said, I would tell you, if you'll allow me to interrupt just a second, I don't think they know the first thing about it because what they're looking at is they're talking to the administrator. I'm talking to the people who are actually on probation, and they're not talking to --, the Judges are not talking to people on probation.

Chairman Hair said, let's get to the germane. Commissioner Murray said, I think it is. Commissioner Odell said, I move for approval. Chairman Hair said, all right, we have a motion to approve. Second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.]

As to Item 27-J:

CONTRACT TO PROVIDE TUTORIAL PROGRAM; JUVENILE COURT; SOURCE: WEST BROAD STREET YMCA; AMOUNT: NOT TO EXCEED \$2,000; FUNDING: MULTIPLE GRANT FUND - JUVENILE COURT.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, we're about charging \$40 per child on this thing. What are we --, what exactly are we getting? What are we getting for our money? Mr. Lynch said, the --. Would you care to provide the details? Kathy White worked this one directly with Judge Beam. Her --, I know it's tutorial, but if you want details, this is the one to give them.

Ms. Kathy White said, the YMCA has proposed to provide tutorial services for those students that are referred by Juvenile Court. The YMCA is currently providing the service for other agencies and have agreed to take Juvenile Court's referrals as well.

Commissioner Jackel asked, well, what are we getting for this \$40 per child? Chairman Hair said, I'm sure --. Commissioner Jackel asked, how many hours of service are they --? Ms. White said, as needed. It's on an as-needed basis from now until the end of the school year. Commissioner Jackel said, okay, so we're giving them tutoring in reading, writing, whatever they're deficient in. Ms. White said, yes sir. Commissioner Jackel said, all right. And how many hours of service do we get for this \$40. Ms. White said, it's an as-needed basis, and the reason why the Judge went to the YMCA and began talking to them about it was that he was notified, the Judge --, Judge Beam was notified by the grant agency that he had this money available. He had previously been given a grant for \$140,000 that we awarded contracts for other programs for the students as referred by the court.

Chairman Hair recognized Commissioner Murray..

Commissioner Murray said, my only question, I'm going to vote for it, but my question would be, and I think it's a great program, but why was the Board of Education not requested to fund this rather than the County? Ms. White said, the County really is not funding it. It's by grant.

Commissioner Jackel said, well, I hope it is a good program. I don't have any information to know what they're doing and why they're doing it, what they're teaching. I just have no information.

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

As to Item 27-K:

STORAGE AREA NETWORK; ICS; SOURCE: XIOTECH(SOLE SOURCE); AMOUNT: \$488,550; FUNDING: CIP - NETPLAN 2000.

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, okay, I will always bring it up when I see that it's a sole source. Chairman Hair said, Mr. Leonard is here. Commissioner Jackel said, and Mr. Leonard's here. I always want to question it. It is a sole source and this is the best we can do? Mr. Lewis Leonard said, yes. Commissioner Jackel said, okay.

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

As to Item 27-M:**ONE MONTH EXTENSION TO THE CONTRACT FOR THE OPERATION OF THE AQUATIC CENTER; PARKS AND RECREATION (AQUATIC CENTER); SOURCE: CHAMPION CORPORATION; AMOUNT: \$10,250; FUNDING: GENERAL FUND/M&O - AQUATIC CENTER.**

Chairman Hair recognized Commissioner Jackel. Commissioner Jackel said, that was Rayno, that was Rayno. C Chairman Hair recognized Commissioner Rayno. Commissioner Jackel said, which one are we on. The Clerk said, M. Commissioner Jackel said, M? Item M was mine. I'm ready on M. Chairman Hair said, we're on M. Commissioner Rayno first. I've already recognized Commissioner Rayno. Commissioner Jackel said, okay, good.

Commissioner Rayno said, we're going to extend this one month and I understand why. I just had a question. I heard somebody say that the revolving door wasn't working. There's going to be a big tournament this weekend. Wouldn't that fall under contractual agreement to make sure that all that stuff is working and all that. Mr. Lynch said, sir, we on the 15th of December of this past year issued a change order wherein responsibility for maintenance evolved to the County. We issued a deductive change order, took that out of their responsibility. That's now our responsibility. Commissioner Rayno said, okay. So what about the revolving door? Mr. Lynch said, the revolving door will not be up by Friday. We have a local firm that is qualified to do the work and is proceeding with it. They tell us it will not be ready before this particular event. It went down, oh my gosh, to the point that it was pushing, and I could be a day or two off, about seven or eight days ago completely. It's now being handled on a manual door basis. We have a firm that is local, that is qualified, and is working. Commissioner Rayno said, just one other question. Commissioner Gellatly goes there all the time. Does the quality of the maintenance seem to have gone down since the County's taken it over or was it better when Champion had it?

Commissioner Gellatly said, right, I do go there. At six o'clock every morning, Monday through Friday, I'm in the pool. I find generally the maintenance of the entire establishment is quite high. The revolving door has been very problematic. I've been going there for over a year and there have been times when it breaks it seems like it stays broken for a week or more, and when that happens they have to go out a side door. The roof is made out of nylon and when you do that, it tends to make the roof come down, so when the revolving door goes out, it's a very serious thing and if it's not corrected, it could very well shut down the entire business. I've noticed that the revolving door is not a power revolving door. It hasn't been for over a week and -. Chairman Hair said, that's part of your workout. Commissioner Gellatly said, if you're comparably strong -. I have seen strong men and women that can't get through that door without some help, so I do hope that if we have a local person that they are competent enough to take care of it. Apparently, it's a very complex door. But after saying that, I notice that there are similar doors out at the airport and I don't know whether they have problems. Mr. Lynch said, they have removed some of theirs.

Commissioner Rayno said, just one other thing. Can we direct staff to look at what the cost would be to move away from that revolving door situation? It's a constant maintenance problem, and go to a tunnel type system with two sliding doors.

Chairman Hair said, yes, we can do that. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I have been informed that there's problems with this Champion group and the Red Cross, they have not been cooperating with them. I think we need to check that out. Mr. Lynch said, we certainly will. We'll be glad to. That's the first I've heard that. Commissioner Jackel said, they want to schedule their life-saving and other programs that they teach, and they've been having some -, not been getting the level of cooperation they need. Chairman Hair said, we'll check that out. Mr. Lynch said, we'll sure check that, sir. We'll get back to you.

Commissioner Gellatly said, move for approval. Commissioner Thomas said, second.

Chairman Hair said, Commissioner Kicklighter and then we're ready to vote. Commissioner Kicklighter said, I just wonder if it'll be cheaper to hire a strong man. [Unintelligible comments when several Commissioners began speaking at the same time.]

Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

1. Commissioner Rayno moved to approved Items 27-D, 27-F, and 27-L. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
2. Commissioner Rayno moved to approve Item 27-A. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
3. Commissioner Odell moved that Item 27-B be tabled for two weeks. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
4. Commissioner Murray moved to approve Item 27-C. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
5. Commissioner Thomas moved to approve Item 27-E. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
6. Commissioner Kicklighter moved to approve Item 27-G. Commissioner Murray seconded the motion. Chairman Hair and Commissioners Rayno, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Jackel and Odell voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Rivers was not present.]
7. Commissioner Murray moved to approve Item 27-H. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
8. Commissioner Odell moved to approve Item 27-I. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
9. Commissioner Odell moved to approve Item 27-J. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
10. Commissioner Kicklighter moved to approve Item 27-K. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
11. Commissioner Gellatly moved to approve Item 27-M. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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XI. FIRST READINGS

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

None.

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XII. SECOND READINGS

None.

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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. ROAD AND DRAINAGE REPORTS.

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 1:05 p.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:43 p.m.

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ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

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

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APPOINTMENTS

None.

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ADJOURNMENT

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 1:45 p.m

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APPROVED: THIS _____ DAY OF _____, 2000

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

SYBIL E. TILLMAN, COUNTY CLERK