

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, APRIL 27, 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, April 27, 2001.

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**II. INVOCATION**

Commissioner David M. Gellatly 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 Harris Odell, Jr., District Five David M. Gellatly, District Six B. Dean Kicklighter, District Seven
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ABSENT:	Martin S. Jackel, District Three
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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, I'd like to introduce our Youth Commissioners who are with us today. We have Christina Watts, who is a Junior at Beach High School, and we have Krystal Wise, who's a Sophomore at Savannah High School. We're glad to have you this morning and as we go through, if you'd like to ask a question or make a comment, raise your hand and I'll recognize you and we'll proceed.

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

### **1. PROPOSAL FROM ED PULKINEN, PRESIDENT OF TUSK, THE ULTIMATE SPORTS KAMP.**

Chairman Hair said, the first thing on our agenda this morning is we're going to have a proposal from Ed Pullkinen, who is President of TUSK, The Ultimate Sports Kamp. Where is Ed? I guess Ed's not here. Okay, we'll proceed then.

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Chairman Hair asked, it's my understanding he has arrived now. Is Ed [Pulkinen] here now? He's going to make a ten minute, I believe, or less presentation on The Ultimate Sports Kamp.

Mr. Ed Pulkinen said, thank you, Mr. Chairman, Commissioners. I have a letter of appeal that I sent to Mr. Abolt, and I appreciate you having me here this morning. I see that things are moving fast in Chatham County this morning, so I know you've got a lot on the agenda so I'll make it -. Chairman Hair said, not fast enough. Mr. Pulkinen said, my business is called TUSK, The Ultimate Sports Kamp. It's a new business here in Savannah, and we are offering overnight sports camps to kids in the area, and one of the things that -, a location that we chose over at the Chatham Association for Retarded Citizens, we renovated some property over there, and it was because of its accessibility to the Bacon Park recreation area, and I've been talking with Mr. Golden on several occasions about field usage over at the Soccer Complex, and we had put in a request to use the fields over there. The original request was for four fields from 9:00 a.m. to 5:00 p.m., during the weeks of our operation, which is a 10-week period over the Summertime. Mr. Golden informed me at that time that the fields were closed because of rest and maintenance on the field site. So I changed my request to two fields and just limiting it to the day period instead of the evening period, and Mr. Golden did offer the use of the Memorial Stadium field for the month of June, which is inadequate to -, for our program. I -, on the second page you'll see there is a letter from Lynn Childers, the Superintendent of the club at Savannah Harbor. He is the turf grass manager over there. He came out to take a look at the fields to give an assessment to see what the condition of the fields were, and his findings it's less of a overusage that is causing any of the problems over at the field. The places that were bare, he looked up underneath the turf and saw that there was grubs there and there were also cricket -, mole crickets, which a good program of herbicide would be able to take care of this. So the point of overuse, limiting our use for a recreation site that is closed the entire Summer seems to me to be a little overbearing. The children of Chatham County and the participants in these sports deserve to be able to use the fields that their tax dollars paid for, and this is the time period in the Summertime where you're going to tell kids they can't play on the fields, so they're going to be in the street, and you're going to have the problems that were talked about earlier with alcohol, you're going to have problems with crime, you're going to have a number of these different issues that we've -, that you've talked about today, and I think it's something that we need to address and look at in the use of these fields.

Chairman Hair said, thank you, Ed [Pulkinen]. I think it would be appropriate, Russ [Abolt], with your permission, to ask Mr. Golden -, Mr. Golden, if you would come forward and let's just hear quickly the other side, and I think this is a relatively simple matter that we can do whatever we want to do.

Mr. Golden said, thank you, Mr. Chairman.

Chairman Hair asked, Commissioner Rayno, do you have a question for Ed [Pulkinen]? Commissioner Rayno said, yes. Chairman Hair said, okay, I'm sorry, Jim [Golden].

Commissioner Rayno asked, are you a 501-C3 or are you for profit? Mr. Pulkinen said, I am a for profit at this time with -, we're putting together a package for the 501-3C. Commissioner Rayno asked, do you pay a fee to use the fields, or are you just -? Commissioner Rayno said, no, but I would be glad to as long as everyone else paid the same fees that was not a 501-3C. Commissioner Rayno said, because I have a real problem with opening up a park for somebody that's making money and not paying us a fee. Mr. Pulkinen said, I'd be -, I'd be glad to discuss a fee.

Chairman Hair said, okay. Chairman Hair recognized Mr. Golden.

Mr. Jim Golden said, Mr. Chairman, let me give you a little background on this, and I appreciate that. We have eight soccer fields out there and we have over 2,000 and some odd games or matches. We have 894 teams, and part of that is the City and County sponsorship. The City has 115 teams, the County has 80 some teams, and this total amount, we have to break a situation there because from December to February we have one break and we have the last of May through June the other break, and it's simply for maintaining the fields. We've got a heavy Fall season and we've got a heavy Spring season, and the schools use the facility likewise. That is simply because we have mole crickets and we operate and manage our fertilization program, we have chemicals in there that is not -, it's a hazard that we have to put on for the schools, but we also have the biggest growing part of the season is May through July, and we have less to get it ready for the Spring, like shutdown December, through that area. We consider eight fields and that many games on it, we have a problem getting it ready, we have a problem with the public complaints, and everyone who uses the Complex has that schedule. So we're working this situation here to when he said he has a program coming up in the Summer, and with less problems on the Stadium field, but he has his -, not the soccer situation, this is for the disc and the throwing the disc and his events, but we see -, and we don't have the opportunity to close this place down for one year and get it back, but it's overcrowded now and we have a lot of complaints. We only have two times during the year to make that break, sir.

Chairman Hair said, thank you, Mr. Golden. Anybody else have any questions?

Commissioner Murray said, I've got one, based on his letter. Back when he asked it's about the maintenance schedule and stuff, it says closing the fields for the Summer and Winter months will only divert the attention from the fields and move no closer to solving the simple problems. What do we do while that field's closed, while they're closed down and no one's allowed to be on them? What have you done to them? Mr. Golden said, we close them down, we go with the chemicals and do the necessary treatment and compact, we've got to aerate them, and then we fertilize them. And that's the —, and we water them, and that's the procedure. We only have two shots at it a year. Commissioner Murray asked, and during that process is there a regular mowing and stuff still going on? Mr. Golden said, yes sir, the same thing, but the chemicals is hazardous, and we take up like trash cans full of mole crickets. Each field that's built in the swamp area, but it's still not like we want to. We can't close it down a year and say, hey, we got the schools and all, recreation program, and it's only twice a year.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, Jim [Golden], basically you're opposed to this private business request, is that true? Mr. Golden asked, oppose it? Commissioner Odell said, yes. Chairman Hair asked, well, you're opposed to them using the fields? Commissioner Odell said, right. Mr. Golden said, no, I'm not opposing [inaudible], because we don't charge a fee, and there should be a fee levied for that type operation. Chairman Hair asked, so am I hearing you say if we charge a fee, you're not going to do it? You can give him this with no problem —? Mr. Golden said, not the dates though. Chairman Hair said, oh, okay.

County Manager Abolt said, I mean, certainly this is for the public's use, and Mr. Golden, because we've all lived through it, is trying to protect the turf, and if the turf is not proper, once the soccer season starts, we're well familiar with the type of complaints we'll receive. We've given him options.

Commissioner Odell said, I can share Rayno's view on this. If this was a non-profit organization, but this is a —, you're going to make some money off the deal, off of our facility. We have necessary maintenance schedules we maintain. I'm not moved by it.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, there's other options in Savannah too, there's high schools that have fields, there's private schools, and if you're going to pay a fee, I'm sure if they're desperate for funds at private schools, they might do that for you, but you're going to have to provide insurance as well. See, we incur a liability if some of those kids break their legs on that field, we might have a problem, and you're making money but we'd pay their medical bills if a kid breaks his leg. So, and then with the hazardous chemicals that are on the field at the time, another liability problem.

Chairman Hair said, thank you. I don't sense any, you know, any —. Mr. Pulkinen said, I just wanted to —. Chairman Hair said, I appreciate you coming in, but I —. Mr. Pulkinen said, I understand where you —, I understand your position and it's quite apparent where your position is on this. I would ask though that you take a look at the field maintenance, maybe have an evaluation. I play on fields all over the southeast and there's no reason why it should be close throughout this many months of the year. Chairman Hair said, thank you. We appreciate that. I think that's a good suggestion.

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

The proposal presented by Mr. Ed Pulkinen to use some of the County's soccer fields during the Summer months was received as information only.

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## **VI. CHAIRMAN'S ITEMS**

### **1. ANY M&O OR SSD NEW FUNDS RECEIVED WOULD HAVE A DESIGNATION TO PLACE 50% OF THE AMOUNT INTO THE RESPECTIVE CONTINGENCY ACCOUNT.**

Chairman Hair said, first I would like to propose to my fellow Commissioners this morning that we adopt a policy that I think is prudent and sound and I think it would be a way for us to build a reserve fund, a contingency fund, without raising taxes, and that would be to take all new funds that we receive, these would be generally unanticipated funds both for M&O and SSD, and as we receive those funds we would have a policy that one-half of those funds would go into reserves and the other half of the funds could be spent if we choose to spend it. I do think it would be a way that we could over time, over a couple of years, generate a substantial reserve fund and not in any way raise taxes. It's very simple, but I would happy to address any questions that any of my fellow Commissioners might have about [inaudible]. Commissioner Rayno and then Commissioner Murray.

Commissioner Rayno said, Commissioner Murray was before me. I'll yield to him first. Chairman Hair said, okay. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, thank you. I think it's a great idea because we've got to have some way of doing that and I just don't believe the votes are on this Commission or will be on here for this term to raise the millage, but I think it's a good way to start putting money in a reserve fund and I would certainly support doing that because I think that it's important that we have, even though I don't think we need ten or fifteen million dollars in that fund that some of the financial people say. I think the money should stay with the citizens and the taxpayers and not sitting in the bank with us, but we do need some reserve and I think we need to probably come up during our budget sessions with the amount that we want to raise in having that reserve when we start this process, but I would certainly support it.

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

Commissioner Rayno said, I'm pleased to see that you're moving in that direction, Dr. Hair. I think it's important that we have a reserve fund. If we had a reserve fund in place we wouldn't be in the situation of having to borrow money all the time at a high cost of interest to the taxpayers. It's no different than a business having petty cash for working capital to keep their business afloat during slow times and this is a proper way to run government, a prudent way of running government, and do you have any idea of how many funds might be generated? Chairman Hair said, not really, Commissioner Rayno, but I think you would be surprised. I think it could very well be in the half a million, six hundred thousand dollars a year range based on our past experience. Commissioner Rayno said, which over the course of four years would put us in a pretty good position. Chairman Hair said, right. Commissioner Rayno said, I'd like to make a motion to go ahead with what the Chairman has proposed to start a policy of putting aside 50% of the M&O and SSD new funds for the purpose of creating a contingency account in those -. Commissioner Kicklighter said, second.

Chairman Hair said, second, okay. Chairman Hair said, Commissioner Gellatly, then Commissioner Rivers and then Dr. Thomas.

Commissioner Gellatly said, I would just like to say I certainly support that proposal. I think a modest contingency fund is prudent and I'm sure that we will have very stringent guidelines as to how it might be used so it doesn't turn into a slushfund.

Chairman Hair said, that's correct. Commissioner Rivers and then Dr. Thomas.

Commissioner Rivers said, Mr. Chairman, we're saying new funds. Are we talking about monies that come in a windfall or are we talking about monies that's generated from new growth, or what funds are we actually talking -? Chairman Hair said, I'm talking about any funds that are unbudgeted, any revenue, unbudgeted revenue that comes in during the year. Commissioner Rivers said, Mr. Chairman, I have a problem with that. It sounds simple, but when you have, especially new monies coming in and you have a shortfall in your budget, then we need to stabilize that budget. We need to insert those funds that needs continuing revenue, a revenue stream, we need to put that money in there and stabilize this budget because where else are you going to get it other than raise the taxes? I -. Chairman Hair said, Commissioner Rivers, half of that would go to stabilize the budget. I'm saying 50%, so 50% would be spent on continuing needs. Commissioner Rivers said, your two point some-odd million dollars short and which means that you're telling me that you're going to put money in a contingency, but yet there's a continuing revenue stream of monies needed to stabilize the budget. I mean, I don't -, I don't see the rationale.

Chairman Hair said, well, it could be that -, the rationale is that if we should -, we may have to cut expenses. If that's what we have to do, that's what we have to do, but I think that this is a prudent way to build a reserve fund over time and do it in a way that does not raise taxes. Dr. -, oh, I'm sorry.

Commissioner Rivers said, you know, I'd just like for everybody, you know, we jump up with things that we think is a good direction to go, but yet we don't look at the overall picture of what is happening here. We don't look at the overall picture of being -, having -, how much is that wish list right now, Russ [Abolt]. What's the amount of that wish list? County Manager Abolt said, you have a CIP wish list of \$27 million. Commissioner Rivers said, you've got things that's needed to be done in this County that may be an emergency. I mean, this looks good to say, well, we want to do this, but I think we need to look at and address the budget and stabilize the budget and then we have some direction as to where we need to go and how we need to do things. I just don't see us -, it's a look good, and of course I support a look good, but certainly with the budget the way it is, with the \$27 million CPI[sic], and additional funds that are need to shore up the budget, I don't see any way we can do it.

Chairman Hair said, I respectfully disagree with my fellow Commissioner. I think it's far more than a good look. It's going to be real dollars in a real account, so it is going to be more than a look good, so I think I would disagree. Chairman Hair recognized Dr. Thomas.

Commissioner Rivers said, and I have a right to reply, Mr. Chairman. Chairman Hair said, yes sir. Commissioner Rivers said, you know, we -, and I'm not going to get into a debate over it, but when you look at what is needed in this budget, common sense -, let's look at it from a common sense standpoint of \$27 million in CPI[sic] that's needed. We're running everything now that's not cost effective. I mean, I've got letters upon letters of things that we're doing that are not cost effective. We've got a budget that was shored up by contingency with a shortfall, and you're talking about talking half of whatever we get in and putting it some place else, and really -, it really doesn't make sense.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. I think that a couple of my questions have been answered because I wanted to know whether we were going to have stringent guidelines to follow in order to make this happen. I do realize that we need to really look at stabilizing the budget and hopefully we will do that. This is really nothing new because we have been talking about this, and I hope now that we can look at it from a point of view where we can do this and make some real, real strong decisions that will go towards this and making this something that we can really sleep on without having to worry about because we really need to get this budget in line, and I think we can –, I think we can get there if we're very prudent about it.

Chairman Hair said, I totally agree Dr. Thomas. I think that's what this does, and reserve means that, it's a reserve that we would not touch except in extreme cases that we'd have to –. Commissioner Kicklighter and then Commissioner Rayno and Commissioner Murray again.

Commissioner Kicklighter said, I think you have an excellent idea hear. I believe, Commissioner Rivers, your emergency situation would be answered by having a reserve. That's why you have a reserve, for emergency situations, so you could always if you needed it, that's why it's there for things such as that, so putting money aside that you have access to, how can you ever go wrong. I think it's excellent.

Chairman Hair said, Commissioner Rayno, Commissioner Murray and Mr. Earls.

Commissioner Rayno said, since Commissioner Rivers brought it up, I don't feel like there's been a consensus as to what we're going to do to solve the two point five million dollar shortfall. I know I proposed to sell surplus property and I know that the tag office is going to be up for sale possibly in September, or thereabouts, but what's the consensus of this Board to get rid of the shortfall before the big budget battle this Summer.

Commissioner Rivers asked, could I answer one part of that for him, Mr. Chairman, because that –? Mr. Rayno, what we have to understand, what we have to understand is I don't care if you sell all the property in this County, we'd get a whole bunch of windfall money in. If it's not a continuing revenue stream, you're back to the same point that you started at. You have to infuse a revenue stream –, a continuing revenue stream into the budget in order to eliminate shortfalls. Commissioner Rayno said, But Dr. Hair suggested something, he said we're going to have to cut expenses somewhere, and I know that that is a very foreign concept to this Board, cutting expenses, because it's politically very hard to do sometimes for some people, but I'll tell you what, when it comes time for the budget I would be more than happy with my razor to start cutting things. Commissioner Rivers said, that's fine, that's fine with me. I don't –, you know, I may support what you have and I may not, but we've got to get to a point. See, you know, I always say to you new Commissioners that y'all have to understand that there's two sides to this aisle and you can't readily cut, because when you cut, brother, they'll cut you back and you might bleed a little more than they do, okay, because you've got the constitutional elected officers, and we tried to cut them, and I'm talking experience, okay. I'm not talking about something that I want to do or wish to do, I'm talking about experience. You go over there and cut in the constitutional elected officers and if they feel that they don't need to be cut, all they have to do is get a writ of mandamus and take you on to court, and you'll lose.

Chairman Hair said, Commissioner Murray and then Mr. Earls.

Commissioner Murray said, yes, the only comment I wanted to make was that this would be a policy decision that the Board makes if we approve the motion to do this, just as it was a policy of the Board the time that we used the fund balances to balance our budget. So if in fact we do have emergencies that do come up and arise during this process and we need more than 50% of that money that was set aside to do it, we can use some of those funds for it, and that's a policy decision as long as a majority of this Board votes to do it, but I think when we do that, that we also really need to make sure and have some guidelines in place of what is going to constitute an emergency expenditure of these funds if we have to do that, not just because some people think that something needs to be done.

Chairman Hair said, I totally agree with that and I think that will be part of the policy statement. I'll ask the County Attorney to write in the policy statement to do that. Chairman Hair recognized Mr. Earls.

Mr. Ken Earls said, my name is Ken Earls. I would like to clarify something. You're saying with this you would take unexpected revenue, 50% of unexpected revenue from SSD and M&O and put into a reserve fund. Would this reserve fund be divided into SSD and M&O or this would just be one giant reserve fund? Chairman Hair said, it has to be by law. It has to be a separate –. Mr. Earls said, okay, well that needed to be stated. Thank you.

Chairman Hair said, okay, thank you, Mr. Earls. All right, we have a motion and a second. All those in favor of the motion vote yes, opposed no. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rivers voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes. Thank you.

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

Commissioner Rayno moved that the County start a policy of putting aside 50% of the M&O and SSD new funds, unanticipated funds, for the purpose of creating contingency accounts in M&O and SSD. Commissioner Kicklighter seconded the motion. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly, Kicklighter and Thomas voted

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

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**2. ACKNOWLEDGMENT OF CHECK RECEIVED FROM STATE OF GEORGIA FOR INDIGENT DEFENSE - DANNY DELOACH.**

Chairman Hair said, we have Mr. Danny DeLoach with us today. I think he's going to give us a check. We always like to get checks. Is Danny here? Well, maybe he's not here with a check then. He said he was going to be here with a check.

County Manager Abolt said, Mr. Chairman, the check has been received and deposited. Chairman Hair said, oh, okay, well that's good. Well, that's the important thing. We don't need to have Danny up here. We've got the most important thing. The check's in the bank, right? County Manager Abolt said, yes sir. Chairman Hair said, thank you.

**ACTION OF THE BOARD:**

County Manager Abolt advised the Board that the check had been received by the County and deposited in the bank.

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**VII. COMMISSIONERS' ITEMS**

**1. ZERO TOLERANCE ON THE SALE OF ALCOHOL TO UNDERAGE DRINKERS (COMMISSIONER RAYNO).**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, at the last meeting I think we did a right thing. We did a good thing where we closed down a liquor store that sold to underage drinkers, and I felt at the time and some of the comments of my fellow Commissioners that there was a desire for a zero tolerance policy of some sort to stop the ability of youth that have access to alcohol. Just for an example, in one district there was a party where 300 kids showed up and they had no chaperones and they all had access to alcohol. It wasn't a keg party, but they all had their own individual purchases, and I have to wonder where did 300 kids in Chatham County get access to alcohol, and then I read about the sting in the paper in the City where about half the convenience stores that they approached they children were able to buy alcohol, or underage people were able to buy alcohol. It gives a very clear picture that there doesn't seem to be a fear among some store owners or employees that if they sell to minors that there's any kind of a problem for them, and I'm looking for direction from the Board today to give direction to the County Attorney to perhaps strengthen the ordinance against those establishments which may sell alcohol to minors. This will not affect those establishments the Chief talked about at the last meeting who for 30, 35 years have had no problem in selling to minors because they have stringent policies in place and when they hire employees they make it very clear to them that it's illegal to sell to minors, do not do it. But this will go after those places that sell alcohol to minors, and I think from a fine standpoint we should make our fines substantial to business owners that sell to minors, perhaps in the region of \$1,000 or \$2,000, and for employees that sell, substantial fines for them as well so that they know if you sell alcohol to minors in Chatham County, you're going to have a real problem.

Chairman Hair said, I totally support that, Commissioner Rayno. My question would be do we know that the problem now is the ordinance itself and does it need to be strengthened? It may be it needs strengthening. I'm just asking the question. Or is it a matter of enforcement, or do we know in fact if we strengthened the ordinance would that solve the problem I guess is my question to you.

Commissioner Rayno said, I think if a couple of owners got hit with a heavy fine and lost their licenses, word would get around very quickly, and the greatest deterrent is a strong enforcement policy and a strong law on the books. I think what we do now is just a slap on the wrist. I see the effects of underage drinking in my own neighborhood with people running into walls. There's a Whitfield Park wall that was run down completely probably by a drunk driver and a property down, further down near the Montgomery Boat Ramp, was run into completely destroyed, mailboxes that are hit with baseball bats on a continuous bases, all because of underage drinkers. And if we attack the problem of underage drinking, you're going to see a decrease in children having premarital sex, you're going to see a decrease in children having DUI's, you're going to see a decrease in children getting killed in automobiles and causing traffic problems, violence, all the things that are associated with drinking. We might even curb substance abuse problems, which could affect them later in life.

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

Commissioner Murray said, I support the concept of this. I guess where I have a problem, I think it needs to be probably worded so if we can do it is that if the owner and/or license holder of that business is the one that actually sells it, then it would be zero tolerance and they're closed. If in fact one of the employees is caught doing it, they would be put on probation for X-amount of time, and if it happens a second time, then they would go —, and the reason I say that and from past experiences, any business can have all the policies they want, no drinking on the job and that type thing, no drugs or anything else, it doesn't mean that if one of your employees decides to go somewhere in one of the company vehicles and stops by and buys some alcohol, whether it's beer or whiskey or anything else, and drink it and have an accident, you had the policies in place as the owner of that business. You have no control over them once they're out. You can have zero tolerance with your employees and [inaudible], but —, so I think there needs to be something in there. I think the situation we had at our last meeting, the owner of the business in fact was the one that sold it to the minor, if I'm not mistaken, and that I think is the reason that most of this Board supported the decision that was made. I support what you're talking about, but I think there needs to be some type of guideline in that an owner and/or license holder, it doesn't necessarily have to be the license holder of that, but I could be wrong [inaudible].

Chairman Hair said, I think that's a very good distinction because, you know, some of these establishments might employ 30 or 40 people and just because they happen to hire the wrong person one time, I don't think they should have to —. Commissioner Rayno said, you can't control your employees. Chairman Hair said, so I do think that's an excellent point. Dr. Thomas and then Commissioner Odell.

Commissioner Thomas said, I agree with what Commissioner Rayno and Commissioner Murray have said, but I would like to just take it a step further, and I've seen a lot of this happening, and I'm just wondering if you get the message out to the general public because a lot of the sales are not actually being done through teenagers or underage drinkers, but there are people who are getting the alcohol for them, and they need to know that if they purchase the alcohol for underage young people, then that they are subjected to, you know, something as well, and this is really widespread. It happened —, I saw this happening three times just in the past two days. A young person went in to purchase, the man asked for ID, didn't have anything, came back out and saw someone he knew, and the person went in, you know, and bought. I immediately went over and spoke to the person about it, you know. I was taking a chance in doing that, but I did do that. I mean, I could not resist —. Chairman Hair said, somehow I'm not surprised that you did that. Commissioner Thomas said, well, I could not resist asking, you know, well why did you do that? You should not have done that, and I said to him that you are contributing, you know, to a minor, and he said, well, I never thought about it like that, you know, and I think something needs to go out to the general public making them aware that if they're a party to that they, too, can be subjected to in case something happens.

Chairman Hair said, I think that's an excellent idea too. I do think that, Commissioner Rayno, when this is being —, we maybe have the Attorney draft an ordinance with the idea of —, I see him taking copious notes over there —, that he would draft something maybe that we could look at, but also I think law enforcement needs to also be involved in this drafting because we want to make sure that whatever we draft is enforceable, and again, you know, we can sit up here and pass an ordinance that looks fine and, to use Commissioner Rivers's terms, a feel-good ordinance, but yet when we put it in the hands of police officers they find it's impossible to enforce it, so we need to make sure we get input from the police on this to make sure that what we're doing would be enforceable. Chairman Hair recognized County Manager Abolt. County Manager Abolt said, yes, and also prosecution. Chairman Hair said, oh, absolutely, the DA's office as well. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, what I'd like to see —, some of the arrests occur both in the County and in the City. I think that there's a dramatic difference between our policy and that of the City of Savannah, and prior to our voting on whether or not we institute a zero tolerance, I'd like to see the Chief of Police, our Chief, to do an analysis for us comparing our policy with that of the City of Savannah. I'd also like to see what some of our other municipalities are doing, i.e., Garden City, Thunderbolt, so that from a standpoint of zero tolerance I think every Commissioner would agree that it's a good thing. No one wants to see an underage driver, and there are a lot of problems that lead to that. Having practice law for 20 years, I've concluded that most underage drivers get their liquor from either their parents' home or friends of their parents' home, and that's the problem. My major concern here is that if an establishment knowingly sells to a minor, then I think there should be drastic action, but if an establishment accidentally sells —, zero tolerance says that there is zero discretion and zero discretion says that we don't have confidence in our decision, so we want to have a mandate which eliminates our ability to make a decision. That gives me some concern. I think we made the last —, the right decision at the last Commission meeting, and as you recall it was a four/four vote until it was determined that the person in fact went into the store and sold to the owner [sic]. That to me makes a difference. I don't think that we should be about the business of enforcing or have an ordinance which is not enforceable, number one, and number two is that we need to start to dovetail what we do with the Aldermen and Mayor of the City of Savannah so that you don't walk 10 feet and do what you cannot do in that area somewhere else. Chairman Hair said, very good point. Commissioner Odell said, so we do that and if the Chief can do the analysis for us so that we can have it, I think that's going to improve our relationship with the other municipalities, and I'd like to see someone do a —, the problem is teenage drinkers, so the zero tolerance would be to resolve teenage drinking. Is it a product of liquor stores selling to teenagers or are they getting their liquor somewhere else?

Commissioner Rayno said, that brings up a good point. Perhaps it should be a two-pronged approach where you go after the person selling, but you also go to the user just like we do with drugs when we try to fight that. I mean, we should have substantial penalty for the people we catch drinking or abuse drinking, such as may 80 to 100 hours of community service and a substantial fine that makes their mom and dad take notice that their child is doing something wrong.

Commissioner Odell said, I think if we did –, if we had better numbers regarding the source of teenage drinking so that we would have that information and we could say the primary culprit here are parents who unknowingly leave their liquor cabinets open and Johnny or little John goes in and takes 10 of his friends and has a keg party. I'd like to see us work towards that direction too, and I think that's comparable with what you've said earlier.

Chairman Hair said, Commissioner Gellatly and then Commissioner Kicklighter.

Commissioner Gellatly said, first of all, I support the initiative of Commissioner Rayno. I have two observations, the first of which, we keep on talking about if we have zero tolerance that it wouldn't necessarily cover employees. I personally think that a person's responsible for their employees and responsible for their actions. You hire them, you train them, and they will certainly share your values or they won't work for you. So I'd like to state that part. Secondly, there's another part that I would like us to take a look at and maybe ask the County Manager to have the County Police Department take a look at this, but in some states, namely I think South Carolina or North Carolina, there's either a state statute or ordinances that require law enforcement when they investigate an alcohol-related incident, such as an accident, that part of their investigation they have to determine the source of that alcohol, and when they do that there could either be charges filed or at the very least it becomes, in the case of a fatal accident or something of this nature, it becomes a public document that would certainly be available for a civil action.

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

Commissioner Kicklighter said, I'd just like to say I like Commissioner Rayno's proposal here. It's nice that everybody has other ideas on how to curb the problem or whatever, but, you know, you have to start somewhere and, you know, all these other additional things may work, but I admire him for –, you have to start somewhere, so let's start with what he said there and then if that's not working, then we can follow through with the additional, you know, things, but let's take the first step. I think in government that's a big problem because they're trying to figure out how to solve the total problem and they do nothing where you can move forward and take the initial step. If that's not working, just keep working towards that goal. But rather than doing nothing, let's take a step and move forward and do something today.

Chairman Hair said, okay. I believe that –, I think we have consensus, Commissioner Rayno, to go forward and I don't think it necessarily takes a motion. I think the staff and the County Attorney clearly have direction based on this. Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, we'll do it immediately, sir. I appreciate the guidance. I also, and you've probably already thought of this, but you might want to refer it to the Youth Commission. Remember, last year the Youth Commission was very instrumental in the illegal sales of cigarettes, and this is an issue, I think, that probably would find an awful lot of good advice coming forward from those –.

Chairman Hair said, I think so and I think when you bring it back, if you bring it back to us with the comments from each of these constituents that we've talked about, the Police, the other municipalities, the Youth Commission, if we've already gathered that data, I think it will speed up the process rather than us having to send it back and forth. So make sure that all the ones that have been mentioned here, those different groups, have seen the draft, have already commented on the draft, and we have the result of their comments in advance of bringing it back to us, I think it will speed the process up from that.

Commissioner Rayno said, I just wanted to thank all the Commissioners for their thoughtful input. I appreciate it.

Chairman Hair said, thank you.

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

The Board instructed staff and the County Attorney to move forward on preparation of an amendment to strengthen our ordinance to provide for zero tolerance on the sale of alcohol to minors and that a draft of the amendment be furnished to the County Police, the District Attorney, the City of Savannah and other municipalities in Chatham County and the Youth Commission for their comments prior to bringing it back to the Commissioners for action.

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## **2. NEIGHBORHOOD GROUP (POSSIBLE SPEAKERS, CARL OELSCHIG AND/OR SID NUTTING) TO DISCUSS THEIR CONCERNS ABOUT MARSH POINT (COMMISSIONER RAYNO).**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I just wanted to give Mr. Nutting and his group a chance to comment. Preliminary discussion, it's like having Mr. Nutting, disapproval of his zoning appeal process and a few other things. He's promised me the presentation will be less than 15 minutes, and if we refrain from asking questions, we can do that at the end and we are assured of the time period.

Chairman Hair said, Mr. Nutting, state your name for the record please.

Mr. Sid Nutting said, my name is Sid Nutting. For the record my address is 9 Magnolia Crossing, and after my presentation I will provide all of you a copy of the remarks I am here to deliver this morning so that they too can be made a part of the record. During my talk, however, Mrs. Murless will show some slides of key points while I keep on track by following my script so we can all get out of here in a timely manner. I will be critical at times, but I believe constructively, so please hear me out. I believe what I will present reflects the opinion of an increasingly large number of the constituents who elected you to do the people's business in Chatham County. There are a number of them here today representing community associations all across Chatham and the southeast section and the islands communities. They would be providing some additional comments for you wish later if you would them to, and, of course there is a large television audience you may want to hear from as well. While the example and cases described today mostly affect the —, Commissioners Murray's and Rayno's districts, the principles involve all of you, and future examples could be in any district so please hear what is intended to be constructive criticism affecting you all. My only personal interest in what I will cover today is as a resident of southeast Chatham interested in seeing fair laws legislated and fairly administered. In recent times I have served as Chairman of the Southeast Chatham Neighborhood Association and from that I was asked to serve on the MPC's land planning committee for our area. Very recently a lot of neighborhood associations have seen a need to work more closely together. These experiences showed me, as it has many others, that there is a great need for a revision in our ordinances and in the procedures for carrying them out. We were glad to see a second meeting with the City and the MPC on that subject last week and we urge you to continue that effort. Unfortunately by all accounts, efforts by others have proven this to be a multi-year undertaking, and, in the meantime, life goes on and you have to take action, of course, on the people's business. It is about some such urgent business that we have come to you today. First, let me establish some truths which I believe we can all agree on. The Georgia Constitution defines that the elected local officials —, in our case, that's you, the County Commissioners —, are the ones empowered to define and enforce the local County laws not in conflict with State or Federal laws. These Commissioners, with public input, define among other things; the desired land uses appropriate for the community. They also define the various zoning categories necessary to implement and protect the land use plan. They then define which of those zone categories applies to every piece of land in the community, and, finally, they define a process to be followed if a rezoning is thought necessary.

Now, adherence to these activities is a matter of law and duty for you Commissioners. When dutifully carried out, they serve the community well. Unfortunately, recently there has been a break with a good record of cleanly exercising these duties. That has led to some mistrust and a black mark of preferential treatment of some at the expense of many citizens. It is about your duty in two very similar cases that we come to you today. Fortunately, it's not too late to correct these wrongs and to salvage your good name in the eyes of the constituents. The two cases to which I refer are the Kroger at Marsh Point case and the major development called Parkway Plaza. In both cases the trouble started when this Commission failed, we submit, in its duties to require adherence to the established zoning definitions at these two sites or, alternatively, to require the petitioners to follow the rezoning process. In your partial defense, you chose to allow the process to go on through the MPC first before becoming involved. This, even though it was brought to your attention that in both cases the projects proposed substantially exceeded the defined zoning descriptions in the written code. The public was not privy to several closed-door sessions the development-industry-heavy MPC board had with the County Attorney. However, after these meetings the MPC board assumed the legislative duty of effectively deciding on a rezoning instead of sticking with their administrative role of receiving plans compared to the written code and —, or referring cases back to you, the Chatham County Commission, for rezoning consideration as the code prescribes. For example, according to the MPC staff, for the first time ever, the developer at Marsh Point was allowed to claim a leaseable space reduction from true gross space that would get the project size to fit the zoning prescribed. The claimed reduction, however, came to be so ridiculous, as much as 49% from gross, during the review process, that the MPC staff became concerned and asked for your help. You voted 5 to 4 not to be involved then but to rely on your attorney's interpretation during the MPC review. The County Attorney did issue a clarifying interpretation. When the project plan was measured against it, the project was found to be very much oversized, some 28.8% over the PUD-BN definition. However, the MPC still failed to return the case back to you as a candidate for rezoning. While this was going on, the Parkway Plaza project was proposed at a size nearly twice allowed by its defined zoning. Rather than referring that back to you as a rezoning case, the MPC again took on the legislative role, legally your duty. After several more closed-door sessions, the MPC was given an opinion letter that said that the PUD code specifications, which are in the standards section of the ordinance, were really only guidelines. So therefore the MPC had discretion, but it did note that was to be in the Parkway Plaza case only. They, therefore, had an opportunity to deviate from the written code. We wrote that to allow that opinion to stand would create much confusion as to what could be expected when either a citizen or a contractor was applying for project approval. It would also lead to endless contention that almost any request for special approval should be granted or that a suit for equal treatment under the law would soon follow. In short, it would lead to the end of protecting the public health, welfare and safety by appropriate zoning. Almost immediately that did happen at the Marsh Point site. Even though the Attorney's letter specifically stated that his opinion was limited to the Parkway Plaza site, for which the MPC had requested a special ruling, it was easy to see that would not stand under the equal protection test. Nevertheless, the Marsh Point case proceeded through the MPC steps until the Specific Plan step when Parkway Plaza was encountering public protest. So a different claim for justification to allow discretion was applied at Marsh Point and approval of that plan was given. However, it was clearly at the level with some 28% oversized, that should have been required to come back to you and be decided as a legislative matter, not the administrative MPC. We claimed in the board of appeals step that even if some discretion were to be allowed, certainly 28.8% oversize was excessive, and that furthermore there were other issues in that case not granted any discretion by the written code. After two sessions, the appeals board dodged the issue by concluding that they lacked the jurisdiction to rule on an MPC decision. It came as a surprise to us. By the way, we believe that that position entitles us to a refund of our \$1,180 fee, which we hereby request that you authorize. The Parkway Plaza appeal met a similar fate just last Tuesday when the appeals board with a split vote again decided with the view that appeals —, the appeals 30-day time limit started

when –, with any action occurred by the MPC, not from the formal decision, which normally is approved and issued. We believe that contrary to past practices that is in conflict, and it is illogical because until a formal document is available, all parties are left with only memory and personal interpretation. We need clearly defined laws and consistent administration so as to reduce the cost of an overloaded staff at the MPC, which these kinds of non-regular events create. Please consider this. Your predecessors defined three types of PUD zones: PUD-BN, PUD-BC and BR. Each was defined to allow certain uses and each was assigned a range of sizes within which the MPC could decide as appropriate for developments with that designation. Marsh Point has a PUD-BN designation, which means up to 45,000 square feet, which the MPC has now illegally granted a de facto rezoning of some 58,000 square feet without the prescribed hearing before you. Parkway Plaza is zoned as a PUD-BC site, with a range of 45,000 to 200,000, which the MPC now is proposing again a de facto rezoning to an illegal PUD-BR sized project with a total of over 345,000 square feet. Had the intent of these regulations been to simply operate by administrative judgment of the hour, then only one PUD zone would have been necessary, not three with specifically designed –, defined sizes and use limitations. To now accept that the MPC can assume your duties simply by claiming that all that must be satisfied is an undefined and infinitely variable discretion of administrators who have no elective responsibilities, as you do, would be true dereliction of your duty. We hope you will see this and act upon it. We have been through all of the steps that you require at the MPC and the Board of Appeals. With no recognition of this issue of legislative view versus administrative responsibilities, we now have to come back to you. We could go to court to settle this matter, as has been suggested by some who probably think that we cannot afford to fight. They may be right, but we sense a public that is increasingly fed up with the domineering tactics of those trying to accomplish the absolute maximum out of their projects without regard for the consequences to the neighbors affected. We have been put down as nimbi [phonetic] and obstructionists to progress. We proudly claim to be both if that fits anyone defending the imposition of illegal and inappropriate crowding in a –, in established neighborhoods. On the other hand, we have always said that both of the examples cited above would be welcomed if the design fit the site as zoned. But we resent being put down –, put upon by the developers, who soon will be gone with their rewards in hand, and by a negligent government needing to do its duty. Citizens should not have to raise money and spend valuable time defending themselves, especially when, through taxation, they have already paid dearly for County Commissioners to legislate the laws and the MPC and other staffs to administer that law.

We, therefore, respectfully request three actions of you. First, reaffirm that you are the only body empowered by the Legislature to carry out –, to legislate the Chatham County laws. Therefore, that the de facto rezoning at Marsh Point and Parkway Plaza were not legal. Three, that both projects be returned to the MPC for review against the limits your code defines in the written code. And, finally –. One moment please. Well, that's it. Those are the three requests. If the developers are unwilling to live with the existing zoning, then they should be told of their right for rezoning hearings and the neighbors should also be allowed their right to also be heard by you, their elected representatives. We have heard that you and the MPC have been warned that you will be sued either way you decide, but that the developers have deeper pockets than the citizens do. We hope you would not decide any issue of your duty and honor under any threat. Anyway, we submit that you would be more successful defending your right to do your duty to uphold the law than you would be arguing that you should accommodate the special interests. No one wants a suit. There are depositions, file searches, case law studies, court calendar delays and, of course, costs of many kinds. The County would have to hire outside legal counsel since, however conscientious the County Attorney's actions where, they are a major contention in these cases. Many staff persons and others have been involved in the exceptional evolution of these two projects, so lost time by witnesses would be substantial. Fortunately, neither project has begun in real earnest. Both developers have known that appeal actions were underway and hence any expenditures they have made have been at their own risk. However, time is important, so we request prompt action. We have respectfully accused you of inaction that led to many problems and can lead to an endless number more. However, the public will view straightforward corrective action now as a sign of unpleasant duty, honorably done. Please do what you know is right for the citizens of this County. By reestablishing just order you will also help developers and citizens alike to view Chatham County as a place with clear and fair laws for all. Much time and cost will be saved when all learn that the laws you legislate are what you mean. Thank you. I'll be glad to answer any questions.

Chairman Hair said, thank you, Mr. Nutting. I'm going to recognize Commissioner Rayno then myself and then Commissioner Murray.

Commissioner Rayno said, thank you for your time in putting the presentation together and gathering all the people together today, Mr. Nutting. I appreciate that. I have a question for Mr. Hart since there's been serious allegations raised in this presentation I think need to be commented on, and the first question –, I have two questions. The first question would be has the County Commission, as a Board, been derelict in its duty in relation to the decisions that have been made by the MPC regarding these two projects in question? County Attorney Hart said, in my opinion, absolutely not. Commissioner Rayno said, my second question would be has there been an illegal rezoning of the Marsh Point project as presented today? County Attorney Hart said, in my opinion, and my opinion has been on public record, I have been asked for three or four different opinions, everybody that has wanted a copy of that opinion has had it available to them. I have faxed those opinions all over this community, so that anybody that wants to challenge those opinions can go through the process and know where the County Commission stands, where the MPC stands and where the Zoning Board of Appeals. Am I infallible? No. But is the opinion based on our best understanding of what we can do within the limits of the law and procedures? Yes. I have not pleased anybody with any of these decisions on either side of this case because it's very complex, and sometimes you get the decision that makes you happy and sometimes you don't, but based on what we have tried to do, we have tried to give everybody the opportunity to have their side heard in this case. The County Attorney's office does not make decisions for the Zoning Board of Appeals, it does not make decisions for this body, it does not make decisions for the MPC. It will give you legal guidelines, those bodies hear the evidence, and they make their decisions. We do not have an agenda pro or con in regard to any of the projects that appear before us. It's as simple as that.

Commissioner Rayno asked, has there been an illegal rezoning of the Parkway Plaza project as presented today? County Attorney Hart said, I do not believe so. If someone disagrees with that, they obviously have appropriate recourse. Commissioner Rayno asked, would you characterize the definition of leaseable space in allowing a larger thing to be built on these properties as being similar to someone who wanted to make an addition onto his home and asked for a rezoning or a variance on their house size? For instance, on my own personal lot somebody could argue that I overbuilt, but I went through the MPC process. I added a whole 900 more square feet to my house, I went beyond the buffer zone, but I had to get approval from the MPC to do that, and I went to my neighbors and I asked them and they had no problem with that. They said go ahead and do it, it's your property, do what you want to do with it, and I built on my property. Some could argue that I overbuilt, but would you characterize what we're doing with Marsh Point and Parkway Plaza to be similar to a variance you might do on your own home? County Attorney Hart said, that's a twofold question. From the County's office in regard to its interpretation, there was an issue that arose under the zoning ordinance concerning leaseable space and the County Attorney's office was asked specifically the MPC to look at the definition of leaseable space. We sat down and looked at it and gave some definitional principles –, I think there were four of them –, and then referred that back to the Zoning Administrator to apply those principles. We did not make the decision for the Zoning Administrator, but said here's what we think the ordinance means. I might also add, Mr. Nutting's group was very much in favor of how we looked at that. So that decision was made in regard to using that definition of leaseable space. Leaseable space has traditionally been used in our zoning ordinance for purposes of being a formula for purposes of determining how much parking is needed at a particular unit, and the only time the definition of leaseable space has really come up has been most recently in these PUD ordinances in which they're in the sort of chart that was up there a few minutes ago, so we feel like that leaseable space issue was answered. The second issue that came up was whether that leaseable space was going to be used for any other purpose, and then we got into the guidelines issue, and we made a ruling on that based on how we interpreted that particular provision of the ordinance, and then the MPC took those general guidelines, listened to the evidence, and made the decision that they believed was appropriate in the case. Commissioner Rayno said, my last thing would be has the County information historically meddled or tried to override any of the MPC decisions within the past two years? Are there any that you know of? County Attorney Hart said, there have been –, under our zoning ordinance, and Commissioner Murray about a year ago, I guess it was, asked some very specific questions of the County Attorney's office in regard to the zoning ordinance, and we came back with a very lengthy memo regarding some things that we thought needed to be done there. The County Commission at times has reserved its right, depending on whether you're dealing with the PUD ordinance or a planned district, to review final site plans and the modifications of those site plans would have to come back before this Board. I can think of one occasion, one piece of property where that has occurred. I was a rather controversial piece of property, and the Commission did reserve the right, but that was a condition of zoning. At the time the property was zoned, and that is when this Commission has its broadest discretion when the property is being zoned, the Commission specifically reserved the right to review the final specific plans. When both of these projects were zoned, there was no such reservation by this Commission. Some of this property's been rezoned for a decade or more.

Mr. Nutting asked, may I comment on that? A couple of things. Yes, these properties were zoned about –, in the 80's, but that's been the zone. There have not been many cases that had to come back before this Commission before there have been very few that have exceeded what you all or your predecessors put in the zoning code, and only recently with these two cases was such an exceptionally large variance granted by the MPC. Now the question is why, but the basic question is you all are the legislators. What they have done is to take from you the right to legislate what goes in each zoning by virtue of simply saying, well, we'll go up 28 to, in the case of Parkway Plaza case, now we're over 79% over the allowed space, and that's excessive, and if that's not too much, what is too much, and if –, we contend –, here you were talking about firing an employee of a store that sold a bottle of liquor to somebody, when here is an allowed violation or excess of the law, and we submit that you all do have a stake in it. It's your law that is being changed by somebody else, and those somebodies are not faced –, do not face the electorate, and I think that it needs back with you all. If you don't, where's the end to this?

Chairman Hair said, Mr. Nutting, I respectfully disagree with your characterization that anybody that has looked at this case is acting anyway except within the law. You're entitled to your opinion and I respect your opinion, but I disagree with your opinion. I think this body has acted properly, I think the County Attorney has acted properly. I think what we have here is you have presented your case to the MPC, you have presented your case to the Board of Appeals, and in both cases they ruled against you. Mr. Nutting said, no, let me start over. Chairman Hair said, well, they disagreed with you. Mr. Nutting said, the MPC –, yes, well –, there's a big difference. Chairman Hair said, well, the point is –, okay, they disagreed with you. Okay? And what you're asking us to do is much worse than what you've accused us of doing already. Mr. Nutting asked, why? Chairman Hair said, because now what you're asking us to do –. Mr. Nutting said, no. Chairman Hair said is, to go back and overrule the MPC, overrule the Zoning Board of Appeals, and that to me is much worse than what has happened. Mr. Nutting said, we asked you, sir, we asked you in the beginning to realize that you were allowing a major variance from your own ordinance and that you are the people responsible for maintaining the ordinances and you chose simply to let it go through the MPC process and the Attorney's advice to the MPC, but nevertheless your duty is to maintain the ordinances. Now, if you wiggle out of this one now, what's the next one going to be? It's –, you are asking the public to live with your ordinances, they were put in place for very good reasons, and all we're asking is that you send the cases back to the MPC and say follow the ordinance. If that's not acceptable, then handle them as a rezoning case, in which case it comes back to you and the public has its chance, as do the petitioners. Chairman Hair asked, has the MPC already handled this case? Mr. Nutting said, the MPC did handle it once. Chairman Hair asked, so you're asking us to send it back –. Mr. Nutting said, yes, but they handled it under the false assumption and advice that they had legislative powers, and you don't want to give them legislative power, nor will the Georgia Constitution let you do that because equal protection under the law requires that the elected officials be the ones to enforce the laws. That's what we're saying. Chairman Hair said, I'll make one final comment and I'll move on to Commissioner Murray and Commissioner Kicklighter, and you're not going to agree with what I'm about to say, I guarantee you, but –. Mr. Nutting said, I told you before, but again I was going

to be critical, but constructively. Chairman Hair said, I think this is a case where you have taken, you have followed the process, and you followed it through various steps, and you disagree with the decision in each of those steps –. Mr. Nutting said, right. Chairman Hair said, and now you want to change the rules. Mr. Nutting said, no. [NOTE: Numerous audience members said, no, no.] Mr. Nutting said, we want you to live with the rules. I don't want you to change the rules. Chairman Hair said, that's your opinion. Mr. Nutting said, by allowing this you are changing the rules. You are saying that the MPC is okay to take your job.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, would you mind putting the slide back up that shows the three PUD definitions. That's not the one I was talking about. Mr. Nutting said, this is out of the code book. Is that what you meant? Commissioner Murray said, no, I'm looking for the one that you had up showing the three definitions. Mrs. Murless said, I'll get it. Commissioner Murray said, that's it. Mr. Nutting said, right. Commissioner Murray said, and let me say before I get started, I do not have a legal background and I'm not an attorney; however, when this first came up, I did disagree in our meeting with our County Attorney on the legal opinion that he gave on it, and this to me spells out exactly where it should be. We've got three different, distinct zonings for different size square footages of each one of those zonings. Now if you go over that, I would think that you automatically go to the next zoning, which would require a rezoning process. Mr. Nutting said, thank you. Commissioner Murray said, when we were doing the discussions before and it was a five/four vote of this Commission not to send anything back to the MPC, we only discussed the one zoning. I don't think we were any aware or really looked at the three distinct zonings under PUD. Now, again, I don't know how a project is listed under PUD-BN up to 35,000 square feet and you can then tell the MPC board that they have the right to amend that and go up to over 200,000 square feet, which actually puts it in another zoning. It's clear under our own zoning ordinances that that's a fact, and, you know, I don't see how we can continue to go with this. Now, there are going to be some people happy about it, there are going to be some people upset, regardless of what decision this Commission makes. However, I do agree with the comments that Mr. Nutting just made that it is our responsibility, and that's the reason that I put it on the agenda several months ago when I first brought the issue up. We are the ones to define the zoning ordinances, we're the ones that approve the zoning ordinances, and we're the ones that approve or disapprove zoning requests when they come before this Board. That's why they come to us and the MPC does not make those decisions. This, however, even though the property is not rezoned on paper, it still has a definition, I assume, of PUD-BN, but it actually falls in a PUD-BC or a PUD-BR, depending on which property you're talking about. So in essence the property has been put in another category without actually putting that zoning on it. Mr. Nutting said, without coming back to you. Commissioner Murray said, and it did not come to us for that, and, Jon [Hart], that's where I've got a question for you, why do we have these three distinct zonings up there with square footages, yet the MPC in your opinion gives them the right to use any square footages they want to or amend that any way they want to do it, and that's –, I don't understand that and I didn't understand it back when we addressed it the first time, and I certainly don't understand it now.

County Attorney Hart said, okay. Do you want me to respond to that? Commissioner Murray said, I would like for you to. I'd like to know how you arrived at that and about the three distinct zonings. County Attorney Hart said, there are three positions that have arisen out of this controversy, three legal points. Mr. Nutting's point saying that little block there –. An unidentified member of the audience said, louder please. A second unidentified member of the audience said, we can't hear you. County Attorney Hart said, there are three opinions that basically come forward that are in contention as to the proper interpretation of this ordinance. The first is Mr. Nutting's insofar as that little block up there is a standard that can't be varied in any category or whatever. The second opinion is, which is the County Attorney's opinion –, office, is that those are guidelines. If you read above the block, it says guidelines. There are two parts to the zoning ordinance that come into play here. The first part are the use provisions. If you look up a PUD-BN and a PUD-C and a PUD-B, and you look under the use provisions in the zoning ordinance, you'll find it's 35 pages. Those are use provisions saying what can go on and what cannot go on. If you're going to take that little block and say that those are use provisions, then about 60 or 70% of the uses permitted in that zone are not within that little block, and you can't construe both of those as standards and have any consistency within your policy. You're liable to lose your zoning ordinance because somebody will come in and say that's vague. What is a junior shopping center? Is it defined anywhere in the entire zoning code? No. Under the use provisions within the zoning code, is it defined there? No. Therefore, it was the County Attorney's opinion that those were meant to be guidelines, just as they say they were meant to be guidelines. That is the opinion of the County Attorney's office. There's a third position that is the position of –, I can't remember which one of the development groups, which basically said that at the time of zoning they appeared and said that they had a project, and I'm going to use the Marsh Plaza [sic], a project of approximately 340 to 350 square feet, which were obviously above the guidelines, and those guidelines were essentially prefixes to which at the time of the zoning –, the actual zoning of the property that the Commission would look at to define, based on what you have submitted, what category we wish to put you in and what prefix we use to put on the front end of your zoning classification, and that once that –, and that you can move up and down within that, and that once that prefix is set, that that is all it is, is a prefix that sets that zoning classification and it refers you to various provisions within the PUD ordinance. The County Attorney's office has not taken that position because I think there's probably, if you read the guidelines and then you read the PUD ordinance and read the use provisions, I think we've got a little more say-so about what happens within that zoning classification, but that's an argument, and it's a good argument. Is it the right argument? You'll know when a court tells you that. Of the three positions that were taken, we thought we took the one that was the most consistent with what we –, the intent of the ordinance was in regards to control and one to preserve the Chatham County zoning ordinance, and the responsibility of the County Attorney's office is to defend the Chatham County zoning ordinance, not to lose it.

Commissioner Murray asked, so are you saying that the MPC has the right to take and just disregard –, why do we have three of these then? They can just disregard –, if you have something that is zoned PUD-BN, which falls under your

standard of guideline, 35,000 square foot of leaseable space, is that right? Yet it's going to be over 200,000 square feet and it's not rezoned to a PUD-BR, how can anybody justify those kind of changes of square footages without –, I mean, why do we even have the other ordinances? Why isn't it just one if that's the case? The other point I'd like to make –. County Attorney Hart said, the reason you don't have other ordinances is because once you put it within a classification use, whatever prefix you stick on there, you have permitted uses within that group plus each one of those PUD's have their own different sets of buffering requirements and height requirements and a multitude of other things that are required. For example, the petitioner at Marsh Plaza [sic], if they wanted to, could say, gee, we want to rezone this into a regional facility, and if they presented a petition, they would have to comply for the buffering of a regional facility. They have plenty of square footage there to do that and they could probably draw a plan that met the regional requirements; however, if they petition for the regional requirements, that opens up a multitude of uses that quite frankly the MPC is not interested in having on that property. Commissioner Murray said, and I realize that we will probably disagree on this also, but to me the whole purpose in having the three zonings and having square footages listed on each one of those zonings is to go by that square footage of leaseable space with each definition, as all three of them state. The other thing, and Mr. Nutting, if I'm wrong with this, you can correct me, but I'm not –, if I'm not mistaken, when they went before the Zoning Board of Appeals, they said they could not address it, it was up to the County Commission to address it. Is that right? Mr. Nutting said, no, they just simply said they could not address it because it was a decision of the MPC, which comes as a shock to us. I don't know how it does you all. County Attorney Hart said, the reason for that, Commissioner Murray, is we gave the Zoning Board –, the County Attorney's office was asked for some guidelines to the Zoning Board of Appeals. We provided that. They listened to the evidence. They broke it down into about five sets of questions, reached a conclusion on four, jurisdiction and whatever, and the issue there was under our zoning ordinance the Zoning Board of Appeals for the County can do about four things. The City ordinance is broader than the County ordinance, and they felt that they did not have the power to do what the City ordinance was specifically amended to allow them to do, and therefore they felt they could not provide that request. That was their reason. Commissioner Murray said, well, there's another issue under the zoning criteria that I have down as item five, definition of zoning code, but I'm going to wait until the person speaks on that before I make any comments on that part of it, but it adds to the process that all this has gone through. County Attorney Hart said, I understand. Commissioner Murray said, I think it's very clear that there need to be some changes and there need to be some things done.

Mr. Nutting asked, may I respond to Commissioner Murray? I don't know how many of you have read this page before. Would you care to say? This is the page that the public goes by. Let me call your attention to the top. Joyce [Murless], pull that down just a little bit. That page is in the standards section of the code, not the guidelines. At the end of design standards up there at the top there's a colon, which means that what follows belongs to it, and it says the standards are planned for shopping district centers shall be –, shall, not maybe, shall be as follows, colon, planned business centers shall be established according to the following standards, colon. Now in a different typewriter type there's shopping centers guidelines, and that the part that the County Attorney is saying means that the whole page is simply a guideline, but then look down in the community center, which is the Parkway Plaza, Target store. Neighborhood shopping plus junior department stores. That's where we're going to put a super Target over –, and that's limited to between 45,000 and 200,000. It doesn't have to be 200,000. This is what we're talking about. Now if Mr. Hart is right that that's not the law, the you all need to make what is the law and let the world know, but you ought to do it, not Mr. Hart, not the MPC. That's all we're saying.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, unfortunately we only have two attorneys up here sitting on the Board of Commissioners. The rest of us have to pretty much rely on the County Attorney's advise to protect the tax dollars and law suits and certain things such as that. His opinion I have to take, and I believe the others up here has to take to protect the tax dollars –. Mr. Nutting said, no, you don't. Commissioner Kicklighter said, I didn't yell out in the middle of your presentation, sir. Mr. Nutting said, excuse me, go ahead. Commissioner Kicklighter said, I'd appreciate it if you'd do the same for me here. I agree with what you said, loopholes should be closed in the future. We need to get together after this thing's over. We need to tighten it up so nothing like this can ever happen again. There needs to be definite, definite whatever guidelines that our Attorney's agrees there's no going through it, but as you well know, from your experience in the past, and I said this before, the County cannot, once a permit has been applied for, they cannot go back and change the standards. If you had opened up the County to legal lawsuits –. Mr. Nutting said, all we're –. Commissioner Kicklighter said, and at the advise of our County Attorney here, what he's saying, if we went back and overrode it, then we'd go against what we have in place so we're opening the taxpayers of Chatham County up to a huge lawsuit. So I would encourage the Commission to let's look and close the future loopholes, and I'm sorry for all you people that do not want it out there, but we have to follow what the Attorney says here to protect Chatham County, and that's what I believe we need to do. Mr. Nutting said, the County Attorney is a staff to you. You have the ultimate responsibility in fact to the citizens, but I've got to disagree with you that you can't do anything. All we're asking you to do is to follow your own procedures at this point. Take it back to the MPC, let the MPC, if they –, if they compare the project with the standards in the book and they find it's acceptable, then I don't know what you would do in that case, but I submit to you that if they bring it –, if it does not match the standards, it's their duty to you to bring it back to you. That's the instructions they have. When there's a project proposed that doesn't meet the standards, they should resubmit it back to you for a rezoning hearing, and you can decide whether –. Commissioner Kicklighter said, again, that's a good suggestion for the future. Mr. Nutting said, no, no. [NOTE: Numerous members of the audience began speaking.] Commissioner Kicklighter said, we can't go back. Chairman Hair said, please let's –. Mr. Nutting said, we don't want you to go back. What we want you –. Commissioner Kicklighter said, without opening the County up to a major lawsuit. Mr. Nutting said, well, wait a minute now. Would you rather defend the fact that you are trying to uphold the law or –. Commissioner Kicklighter said, sir, [inaudible] that's not going to happen. Mr. Nutting said, or continue to not support the law. That's what you're doing if you don't do something. Commissioner

Kicklighter said, in my opinion I believe we're following the law for the people of Chatham County, and that's the only reason for the decision that I personally made to try to stay out of this is because I truly believe with all my heart we're following the law and the advice from the attorneys that we have here working for the County. Mr. Nutting said, I hope that you don't find yourself and you're going to have in the westside more of these cases than others because of the building that's going to go on—. Commissioner Kicklighter said, that's why I appreciate you helping us close the loopholes for the future here. Mr. Nutting said, and I think —, but to stand there in your seat and with the power to uphold the law and to not uphold the law is going to be hard for you to defend in court.

Chairman Hair asked, any other Commissioners have any questions for Mr. Nutting or —. Commissioner Rivers said, I've got one, Mr. Chairman. Chairman Hair said, certainly.

Commissioner Rivers said, Mr. Nutting, on that Marsh Point project, did we not have a similar case there before? Mr. Nutting said, there was a case in 1995 where the —, some of the same people, certainly it was Kroger, wanted to build a strip shopping mall between Whitfield and Ferguson on a lot —, that's a large tract of land. It was zoned R-A. They brought this case to you all finally and the —, well, to the Commission at that time, and the Commission told them that it was R-A and that they were not interested in changing it. They protested that to the Superior Court and lost in court that the County did have a right to uphold their law, almost an identical situation. Commissioner Rivers said, okay, but —. Mr. Nutting said, and they —, and that was upheld and they tried to take it to the Supreme Court but the court told them they didn't have a case. Commissioner Rivers said, but in that case that was already zoned R-A, whereas, this one is —. Mr. Nutting said, exactly. Now in this case —, at that time Kroger looked at this corner and said that it was too small. That's in the court record. Now, all of a sudden it's not too small because they can just put this monstrous store there within 30 feet of the people's bedroom, they're going to have diesel tractors and trailers jockeying for position in the parking deck, and that's why I'm here. That's why this crowd is here. It is an imposition on the parties that are neighbors to these tracts, and what we're asking you to do is to please go back and tell Kroger they can put what they want to put there so long as it fits this site, this size, because if they build it to this size, the same is true of the Target situation. It will not be objectionable. As a matter of fact, there are a lot of people out in this —, our neighborhood who would like to see a Kroger, but not a monstrous Kroger like we have here. The important thing I want to keep coming back to you all is, you have a duty to uphold your own law, and I submit that if you do not do something about this situation, you will be doing yourself a disservice and the County a disservice for the expense of a lawsuit.

Chairman Hair said, thank you, Mr. Nutting. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I would like permission from the Commission to move Item 5 up to this same discussion because I think it all plays into the same process if that's okay, if I could get agreement to do that. Chairman Hair said, that's fine, without objection.

Mr. Nutting said, thank you. Chairman Hair said, thank you, Mr. Nutting.

Commissioner Murray said, I received a call the other night from Gwen McKee and she had some papers and some documents that she had received from MPC based on action that can and should have been taken during the process after a piece of property is rezoned and, you know, I wonder if you would like to come up and explain that. I've got a copy of it, but —.

Ms. Gwen McKee said, Mike Yellin is going to hand out to you all so you'll have a copy to refer to, and all I'd really like to do is read into the record a section from the zoning ordinance. It's Section 11-3, which you'll be getting. It's entitled, Actions to be Taken If Plans of Property Owner Are Not Implemented Within Specified Time Limits. After I read this I have three questions and that's pretty much what I was asking for time to do.

For any zoning map amendment for which the Board of Commissioners is not the applicant, and upon which property no development permit, building permit or certificate of occupancy has been issued within 24 months of the date of approval of said zoning amendment, the Zoning Administrator shall review the status of the proposed development in relation to the zoning district classification of the property and report the status to the Board of Commissioners. The schedule for reporting to the Board shall be on a semiannual basis. In the event that the Board decides the zoning district is an appropriate one and no action is taken, the Zoning Administrator shall remove said property from the semiannual list and schedule. The Board of Commissioners shall review the report and determine if, due to the lack of development on the properties, any of the properties should be considered for rezoning. When the Commission decides that one or more of the properties should be considered, the Board of Commissioners shall be the applicant and the normal rezoning process shall be followed.

Ms. McKee said, my questions to you are: Is this part of the ordinance, is it currently being followed? The second question is has it been followed in the past, and, thirdly, was it followed in the 1989 rezoning by Calvary Baptist Temple, agent William L. Grainger, MPC File No. 89-8971-C?

Chairman Hair said, I don't know if anyone here today can answer that. We certainly can get the answers to those questions. I'm not sure —. Is there anyone here that can answer it today? I don't think that —, probably not, but we —, those are questions that we will make sure we get answers to you as quickly as possible. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Russ [Abolt]. County Manager Abolt asked, sir? Commissioner Murray said, when y'all go to whoever you need to go to to get these answers, I don't believe it was followed because I was on the Commission when it was done and nothing ever came back to us and nothing ever has come to us from the Zoning Administrator on any property that we have rezoned that has not been developed within two years. I don't think that process is being followed, and if in fact it is in our ordinances, I want to know why it's not being followed and why it has not been done because we've all looked at different properties since rezoned a certain period of time and the development has not taken place, then it should divert back to its original zoning. This clearly defines what should have been taking place and, in my opinion, has not taken place, and I think we you investigate it you'll find out it hasn't.

Chairman Hair said, okay, we'll find out. All right. Thank you. Ms. Stone, you want to make a quick comment and wrap this up?

Ms. Helen Stone said, Mr. Chairman and Commissioners, a lot of what has been presented today I regret that the MPC, the County Commission, and the citizens of the community have been through—, put through confusion and stress over this. It is becoming apparent that the zoning ordinances of this community need to be reviewed and updated. I sincerely hope that when the MPC presents a recommendation to you, that you act on it as quickly as possible as we have already been informed this will probably be a two to three year process. So I really urge you all to continue with this. We need it. Things like what's happening today does not need to continue.

Commissioner Murray asked, may I ask a question? Chairman Hair said, yes. Commissioner Murray asked, during the process of all this, and I know that y'all went back and forth and these issues were tabled from a couple of y'all's meetings and then voted on, when y'all actually took the vote to move forward on both of these projects, was the MPC Commission aware or made aware at the time of the three distinct PUD zonings? Ms. Stone said, yes sir. Commissioner Murray asked, and the square footages, yet still overrode the different sizes that should have actually, in my opinion, gone to another zoning? Ms. Stone said, yes, we were given that information.

Chairman Hair said, okay, thank you. Thank you, Ms. Stone. I appreciate everyone —, appreciate everyone coming.

Mr. Nutting said, Commissioner Hair, I would like an answer to the three requests that we had. I think it warrants a vote. You all are —, we're asking you to do your duty, and we —, we just need that to be resolved. That you will or you will not do what you have sworn to do.

Chairman Hair said, Mr. Nutting, first of all, I think a vote today is very inappropriate. When I asked Commissioner Rayno to put you on the agenda, he said he was not asking for action today, so that's the purpose I put you on the agenda. Mr. Nutting asked, all right, well, will you take action in the future? Chairman Hair said, we will take it under consideration, and it's possible. Mr. Nutting said, there you go again. We don't —, we are not getting an answer here, we did not get it at the —. Chairman Hair said, well, you're getting an answer today, it's just not the one you want to hear. Mr. Nutting said, no, I haven't heard the answer.

Commissioner Murray said, I would like to make a motion that we address all the criteria that Mr. Nutting has presented to this Commission. Chairman Hair said, I have that motion —, do we have a second? Commissioner Rayno asked, in what respect? Commissioner Murray said, on everything that he has discussed. He's asked three questions and really wanted answers on those. Chairman Hair said, well, we're going to get you the answers to those questions. Commissioner Murray said, I know, but I would like to put it in motion form. If I don't get a second, it dies for lack of a second, but that's —. Chairman Hair said, now the questions are not Mr. —. Commissioner Rivers said, I'll second it for discussion, Mr. Chairman. Chairman Hair said, okay, we have a motion and a second. Specify exactly what you're asking, Commissioner Murray.

Commissioner Murray said, all right. First of all, I'm asking if in fact we are not doing our duty as Commissioners to address this situation based on the information that we've been given. Chairman Hair asked, who's going to answer that? Commissioner Murray said, well, I don't think the County Attorney can answer that because he is part of the question that's coming up. Chairman Hair said, well, if we're asking a question, we need to know who's going to be able to answer it. Commissioner Murray said, well, I would like to ask for outside counsel to answer these questions. County Attorney Hart asked, the three questions that we got asked here whether you can do them? Commissioner Murray said, yes. County Attorney Hart said, we'll be glad to get you outside counsel for that. Commissioner Murray asked, who's going to determine the outside counsel? County Attorney Hart said, y'all can pick whoever you want. Commissioner Murray said, okay.

Chairman Hair said, all right, the motion is to get outside counsel to review the questions that the County Attorney has ruled on and we have a second. All those in favor of the motion vote yes, opposed no. Commissioners Rivers and Murray voted in favor of the motion. Chairman Hair and Commissioners Rayno, Odell, Gellatly, Kicklighter and Thomas voted in opposition. The motion failed by a vote of six to two. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion fails. Commissioner Murray said, okay.

Chairman Hair said, okay. We will address the questions the young lady brought to us and we will have answers to those questions. Thank you, sir.

Mr. Nutting said, all right. Chairman Hair said, thanks.

**ACTION OF THE BOARD:**

The presentation by Mr. Nutting was received as information.

Commissioner Murray moved that the Board obtain outside counsel to review the questions presented by Mr. Nutting. Commissioner Rivers seconded the motion. Commissioners Rivers and Murray voted in favor of the motion. Chairman Hair and Commissioners Rayno, Odell, Gellatly, Kicklighter and Thomas voted in opposition. The motion failed by a vote of six to two. [NOTE: Commissioner Jackel was not present.]

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**3. ABSENCE FROM COMMISSION MEETINGS (COMMISSIONER MURRAY).**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I put this on there because I do know that if you miss three consecutive meetings, then by the charter you're automatically off of the Commission, which y'all may not want to grant this to me, but that's --, I'm going to ask it anyway. The month of July I will be in Kuwait and I will be leaving some time in June and won't be returning until some time in August, and I am requesting that I be granted approval to miss three meetings, but I only think I will miss two, but in case something happens in transportation over or coming back, I would like to request approval to be excused from those meetings.

Commissioner Rivers said, so moved. Chairman Hair said, motion. Second? Commissioner Thomas said, second.

Commissioner Odell said, second. Just a comment. Frank [Murray], you're with the military, is that true? Commissioner Murray said, yes. Commissioner Odell said, just for the other Commissioners, under the Soldiers and Sailors Civil Relief Act --. Commissioner Murray said, I don't want to take a chance with that and I don't want to have to [inaudible].

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

Commissioner Rivers said, I thought we addressed that.

**ACTION OF THE BOARD:**

Commissioner Rivers moved that Commissioner Murray be excused from attendance at meetings during the period beginning the end of June through the first part of August while he is on a military tour of duty in Kuwait. Commissioners Odell and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**4. THE COST OF CONSOLIDATION OF THE UNINCORPORATED AREA AND THE CITY OF SAVANNAH TO THE TAXPAYER (COMMISSIONER KICKLIGHTER).**

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter asked, can you get my charts for me and place them right here? Commissioner Kicklighter said, thank you, Mr. Chairman, my fellow Commissioners. I want to start out here and basically say that I just want to use this as an information-sharing presentation. I believe the public needs to know the possible effects of consolidating Savannah and Chatham County. Before I get going here, I want everyone to know and realize that I represent a very unique district. My district consists of the Cities of Pooler, Port Wentworth, Bloomingdale, Garden City, businesses in Savannah and 10,000 people living in the unincorporated area of Chatham County. I believe that everyone needs to be aware that if the consolidation takes place, it is my belief that a definite tax shift will take place, and I'd like to show you why. First, I want to thank the staff of Chatham County. At my request they compiled the following numbers here. A summary of my presentation, first, as I just stated, it's my belief that it would hurt the unincorporated area. Consolidation would definitely cost property owners more in the unincorporated area and property owners in the City of Savannah would probably pay less. One thing here, it's my definite belief that --, I believe in lowering taxes, but I just don't believe in lowering taxes on the back of my fellow man, on the backs of my neighbors. It's not fair to the unincorporated area, unless a change happens in the State law, that the voting population of the City of Savannah controls the destiny of the consolidation because other municipalities can opt out. What I present here today, the figures that I will present does not include the following price estimates. It does not include the possible increase in taxes to fund a Savannah-Chatham Fire Department or a garbage sanitation department. The following figures does not include the possible loss of revenues because of the State constitutionally-protected industrial zones, which limit the taxing district of the new city. We are the only County in the State of Georgia that has this industrial-protected zone. This area consists of businesses such as Union Camp, Gulfstream, major industry, and it equates to millions of dollars of tax revenues for Chatham County. This industrial zone was created by the State of Georgia to promote commercial growth around the port area, and by doing so does not allow a city to annex

area to prohibit dual taxation on that. So it will take a statewide referendum on this one issue alone to receive the tax revenues for this major part, which is millions of dollars. The following estimates that I will present today does not include the increase in pay to Chatham County employees to bring them in line with the City of Savannah employees. Also, it will not include the increase in cost to bring the City of Savannah's benefits package in line with Chatham County's. What I'd like to show right now, if you'll bear with me, is a simple mathematic thing, because I am not a math wizard. It's simple math. Commissioner Murray said, [inaudible]. Commissioner Kicklighter said, I heard that. Chairman Hair said, stand back there. Commissioner Kicklighter said, but what we have right now –, what we have is we have the City of Savannah right now currently paying 25.097 mills. We have the unincorporated areas of Chatham County paying 14.786 mills. Assume that this committee that has been formed or is being formed does the politically correct thing and they say that nobody will be fired in a consolidated effort, that it will take place with attrition, through attrition, we're not going to have money cut at the beginning. So what takes place? Simply, you have your 25 mills, your 15 mills, once governments merge, becomes one, you can't tax them unequally, you're going to have a simple shift and you're going to have 20 mills for the unincorporated area, 20 mills for the City of Savannah. What this does, to put it bigger and bolder for everyone to see, you had your property tax rate, the comparison's here. You have the City of Savannah's total, County M&O, CAT, City of Savannah, like I said, 25.097, unincorporated total 14.786, you merge them together, you see right here your increase we're in line, 25.097, we're both around 20. That's a 5.1 mill increase. What does this equate for, what will the taxpayers of unincorporated Chatham County pay? Let's put it in dollar figures here. If your property's valued at \$75,000, and this excludes any factoring for homestead exempt, this would be a \$155 tax increase for the homeowner. If your property's valued at \$100,000, you're looking at a \$206 increase. If your property's valued at \$200,000, a \$412 increase; \$400,000, your property's going up \$619. If you're fortunate enough to own a home for \$500,000, your property's going up \$1,031, et cetera, et cetera. This is your total on a consolidated budget. All funds would total \$506,515,533. I had staff go ahead and get rid of the duplication of department heads. We're looking at \$2.4 million in reduction right there. We're looking at an operating budget of \$62 million for mandated services. It includes the courts, the jail and other countywide services, like Mosquito Control and Animal Control. A total operating budget of \$154 million for the new combined City services. What does this increase equate to in dollar figures and the amount? That's \$27,144,330 or 17% of the total operating budget that would have to be cut immediately for the unincorporated area not to receive a tax increase. Folks, what does that amount to? I mean, we hear elected politicians all the time when they're running, I can cut 10%; you'll like me, I can cut 10%. Well, let's try to cut 17%. Most of them don't succeed it at 10. I wish they would, but let's see what 17% or \$27 million to cut, and we know from looking here alone and amongst ourselves, we can't even consolidate our –, or we chose not to consolidate our own Sheriff and County Police. That would save money. That's consolidation within. So how in the world is an elected body going to make the tough cuts to cut \$27 million? What this would equate to, I just want to show with the new Police budget, the combined Police budget would be \$37 million. So if you cut two-thirds of the entire Police Department, you could get your \$27 million, or you might want to cut the entire Public Works budget out of there, which is \$20 million, and over half the Recreation budget, which is \$13 million. There's your \$27 million. So that shows your right there, major departments, it's not an easy thing to cut \$27 million. Another thing, not involving money, crime. Let's look at the City of Savannah's crime statistics and look at the unincorporated area. Homicide, City of Savannah had 35 in 2000, unincorporated areas had 3; rape 68 in Savannah, 11 in the unincorporated areas; robbery 750 robberies in the City of Savannah, 48 in the unincorporated area; aggravated assault 479, 160 in Chatham County unincorporated area; burglary 1,757, 490 unincorporated area; larceny 5,826 versus 1,673; auto theft 1,830 in Savannah to 231. The total of crimes in Savannah there that we have listed 10,745, unincorporated area 2,619. What funnel effect can take place when this is combined and the total efforts are concentrated on this bulk area? We're going to run criminals out. We're going to run them out into the unincorporated areas. They're not going to be able to concentrate their efforts on the unincorporated areas like they could before, so we're going to have a possible spread of crime in this factor also.

Commissioner Kicklighter said, what I'm trying to accomplish here today, like I said, is an information-sharing session. All I'm asking for today from you is I believe that the public needs to be informed here. They need to know what's going on from the beginning to the end. So at this time I'd like to make a motion that we hold a series of four public hearings to be held with two in the Islands area, one being for Wilmington Island, one out toward The Landings. I want the first one to be at the Civic Center for the Savannah area, everyone, and with another one out on the westside and unincorporated areas of West Chatham County also, and I'll put that in the form of a motion. Commissioner Murray said, I'll be glad to second that motion.

Chairman Hair asked, could I ask –, could I ask a question? Commissioner Kicklighter said, yes sir. Chairman Hair said, first of all, I think there needs to be far more than four meetings held, and there will be. There'll probably be 30 or 40, but I think it would be premature for the County Commission to begin holding hearings before the study group is even formed. So I think there will be ample opportunity to have neighborhood meetings, and I think it would be inappropriate for us to sort of pull the rug out from under a group that hasn't even been nominated yet to do that, but I certainly think that ample, you know, hearing need to be held. So I would oppose the motion only to say that I think it would be unfair to the group. Before I ask my other questions, I need to inform my fellow Commissioners, I called Commissioner Kicklighter at home Wednesday night when I knew he was going to present this, so the questions I'm about to ask him I've already asked him on the phone, so I'm not trying to do anything under the table here. So he's well aware of what I'm about to ask him.

Commissioner Rivers asked, Mr. Chair, why, if we're going to hold up for the study committee to be formed, why go into discussion now with this if we're going to put this in abeyance? Chairman Hair said, that's fine with me. If you want to vote on the motion, that's not a problem because I've already got the answers from Commissioner Kicklighter to the questions.

Commissioner Rayno said, it is premature for us to go ahead with our meetings when that consolidation committee's going to have very open, public meetings and they're going to be in all areas of Savannah.

Chairman Hair said, let's vote on the motion. All those in favor of the motion, vote yes –. Commissioner Odell said, let's restate the motion. Chairman Hair said, the motion is to have four public hearings and specified, as he said, the Civic Center, Westside, the Eastside, Wilmington Island. That's the motion. Commissioner Kicklighter said, I'm a yes vote from right here.

Commissioner Murray said, if in fact this motion is defeated, which it sounds like it may be, each Commissioner still has the right to have whatever meetings we want to have in our own districts. Chairman Hair said, you're exactly right, you're exactly right.

Commissioner Kicklighter said, if I could during discussion on this also, so far in the newspaper the reason why I believe the public needs to be involved now, it's just been all the positive effects of consolidation. It sounds nice, great from just the overall glance at it, but the numbers I showed there, they're real numbers. It's \$27 million that would have to be eliminated. The public needs to be aware of this from the beginning to the end.

Chairman Hair said, Commissioner Gellatly, Commissioner Odell, and then Dr. Thomas. Commissioner Rayno asked, can I, too, please. Chairman Hair said, sure.

Commissioner Gellatly said, I just have a question on what we're voting on. I mean, we just got through saying that it's going to have to be many more than four meetings, so if we vote that there's going to be four meetings, does that preclude the other meetings? Chairman Hair said, I don't think it does, but I still think it would not be fair to the group formed by the legislation for us to go out here and hold hearings and present pro and con, you know, to –. Let me tell you why. First of all, none of us have any idea what this committee would come up with in terms of what a new government might look like. So I think it would be very premature to go out and discuss something when you don't even know what you're discussing because you don't know what the committee would come up with, and then it's got to go to the Legislature again in January. They've got to agree to put it on the ballot in November. I just think that –, I just think that they –, it's just not right and fair to the group that's going to –, that's been charged with the responsibility of doing this to get out here and begin to hold meetings, and I agree, I mean, if Commissioner Kicklighter wants to hold meetings in Garden City, he doesn't need a vote to do that. He can go out and hold all the meetings he wants to hold. So I just think it would sent the wrong message to the group. That's the only reason I would oppose the motion. I think there will far more than four meetings.

Chairman Hair said, all right, all those in favor of the motion –. Commissioner Rayno said, whoa, whoa. Chairman Hair said, I'm sorry, I'm sorry. That's my fault. Chairman Hair recognized Commissioner Gellatly. Commissioner Gellatly said, I've already commented. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, Dean [Kicklighter], I just wanted to compliment you. I think that was an excellent presentation. I would ask that each one of the Commissioners be provided a copy of your overlays, if that's possible. Commissioner Kicklighter said, yes sir. Commissioner Odell said, and staff will do that. I plan to hold meetings at the appropriate time. I think now I tend to agree with the Chairman. It's a little early. I think we can start discussing it, but for us to start having meetings, I think it's a bit early.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, yes, I just wanted to ask him also about the overlays so we could have access to that, and in addition to comments about holding the public hearings, I definitely will be holding those in my district, as I always do, to give those citizens an opportunity to have input, but I think right now, I think I can wait until we can find out what's going on and then we can move forward with the public hearings.

Commissioner Kicklighter said, and if my fellow Commissioners choose not to hold the hearings vote, there's no hard feelings. My goal has somewhat been accomplished today, exposing the numbers that I've asked the staff, and they've worked hard to obtain. Hopefully, this will get out and get people talking. It exposes the possible negative side of the consolidation where to this point we've only heard the positive side.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, you know I respect you a great deal, but you know we're at opposite ends of this issue. Absolutely opposite ends. You said there would be tax shift to the unincorporated area. On what basis did you make that? Did you compare the Athens/Clarke or the Columbus/Muscogee? Commissioner Kicklighter said, well, on the simple basis of you have \$27 million that you have to tax them at a level base. You have to tax them evenly. Commissioner Rayno said, but I find it surprising you didn't look at two superb models in the State of Georgia in Athens/Clark and Columbus/Muscogee –. Commissioner Kicklighter said, but even on the –. Commissioner Rayno said, where this did not happen. Commissioner Kicklighter said, right. On the if's, that and all this, did any that you know of have five or six other cities that were not included in the consolidation? Which is happy because they don't want to be included in this particular consolidation. Chairman Hair said, they're not included in the legislation. Commissioner Rayno said, they're not included. Commissioner Kicklighter said, that's what I'm saying, but –. Commissioner Rayno said, and they won't be. Commissioner Kicklighter said, right, but I'm saying the numbers that you to compare that you're saying compare to, you cannot compare it, Mr. Rayno, because we would be the only county in the country, I would assume, that had some type of consolidation that did not include everything. So you can't go into comparisons. You have to look at numbers and plug, you know, your actual numbers of what you're going to have. Commissioner Rayno said, there's some counties that combined with cities where they left out some municipalities. Commissioner Kicklighter said, well, as I stated before, we're

the only –. Commissioner Rayno said, [inaudible]. Commissioner Kicklighter said, we're the only county in the State of Georgia that has an industrial zone with millions of dollars of revenues. How do we compare that to another county? Commissioner Rayno said, another thing is you talked about the garbage and some of the other services, there's no reason why we couldn't privatize services. You can't just assume that the unincorporated areas are going to roll over and allow the city to start picking up their trash. I don't think that's going to happen. There's no need for that to happen. Commissioner Kicklighter said, well, it would have to be provided on an equal basis. You cannot treat one area of your city or whatever any different than you do the other, so what services are provided –.

Chairman Hair said, see, that's my point, Commissioner Kicklighter. All these questions Commissioner Rayno was asking you, you don't –, you're making assumptions that you don't if they're right or not. All those numbers are based on assumptions that may not even be close to being accurate –. Commissioner Kicklighter said, that's why I –. Chairman Hair said, because you don't know what it's going to look like. Commissioner Kicklighter said, that's why I didn't give numbers on garbage pickup. That's a give that that's an increase, but I didn't try to dive into numbers of assumption. I excluded all of those.

Commissioner Rayno said, you shouldn't present them as exposing of factual information when in fact it's based on assumptions, and if you're using logic you would say that you can't call them facts. Commissioner Kicklighter said, no sir, I said exposing the possible increase in tax shifts. Commissioner Rayno said, possible, right –. Commissioner Kicklighter said, from the City of Savannah to [inaudible]. Commissioner Rayno said, but not actual. Commissioner Kicklighter said, exactly. I said possible. Commissioner Rayno said, so there could be opposing viewpoints or opposing [inaudible]. Commissioner Kicklighter said, there very well is opposing viewpoints and I wanted to present the other side of the good side. Commissioner Rayno asked, wouldn't it be fair to characterize also crime that if you have less population, you're going to have less crime, so to assume that if we consolidated all criminals are going to run to the unincorporated areas to start committing crimes is kind of a silly assumption, don't you think? Commissioner Kicklighter said, well, I can definitely believe that the new combined police force would definitely concentrate their efforts on the crime-riddled areas, thus far leaving the other areas out in the cold, if you'll say, and they wouldn't get the adequate protection that they now receive with our current County Police Department. Commissioner Rayno said, but I think if we look at a factual basis, per capita of population crime occurs when there's more population and it occurs less where there's less population, and that's a fact. Commissioner Kicklighter said, oh, absolutely, absolutely. Commissioner Rayno said, okay, so that refutes what you said, earlier.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, and I don't know if this will answer Commissioner Rayno's questions, but out of the 159 counties in the State of Georgia, there are only four counties set up with a Special Service District taxing as we have in Chatham County. Now I don't think every county you've mentioned are in that category. So that needs to be taken into consideration too. I think there are a lot of things that need to be done. The other thing I was going to say is that, you know, this all sounds great with this study committee that's supposed to be appointed, but if you'll ask Representative Day and the others that represent us as our local delegation, they would tell you all the compromises that were made in the process of being able to get this approved in this year's session, and so they made a lot of changes to it, and through that process it's not near what it was supposed to have been, and the appointment process to this committee, to me, is flawed and has some real problems. I think at twelve o'clock, Midnight, December 31<sup>st</sup>, regardless of where this committee is, the committee is abandoned, it goes away, and a report is given to the Legislators for the next session next year. So, you know, I think that not only that study committee doing whatever studying they're going to do in probably six months, once they really get off and running, is fine, but I also feel that we, as Commissioners, have a tremendous say-so in this also, and there's some real problems in the way the State law is written and on how the vote has to be taken, and a lot of other things that would cause me to be opposed to even taking a vote on it at this point because it is a single vote and a lot of things would have to be changed, and the only way, fair way to do it, I think, would have to be a double vote, and we've already been told by the Attorney General's office we can't do that, and I know there's some people that say that can be changed. Well, it can be changed, [inaudible] can be changed, but I –, and I'm not opposed to consolidation, but I think we have to know the form of government it would operate under, the benefits and also the down side to a consolidation process in this community, and to me the way to consolidate the community is not the unincorporated area and the City of Savannah, it would be total consolidation of all the municipalities into one governing body for Chatham County, not with the other small municipalities having the option to opt out or anything else, and I think that –. Commissioner Kicklighter said, and I will absolutely oppose that even more than I'm currently opposed to it. Commissioner Murray said, I understand that.

Chairman Hair said, I'm going to recognize Mr. Pierce, Commissioner Rivers and then myself.

Mr. John Saxon [Piccolo] Pierce said, Mr. Billy Hair, how you expect to cut [inaudible]. It's against the rules to cut the federal government [inaudible]. The federals come down and they give you that, but if you cut the federal government, you can't cut the sanitation, you can't win. You've got to do the right thing. Y'all are saying you're going to do the right thing because y'all elected. I elected you. I [inaudible] y'all because y'all the federal government. You've got to go by the federal government [inaudible]. It's all over now. You've got to go by the federal government rules because people work hard, the children work hard, the staff work hard. Everything work hard. I came down here –, my mama didn't have nothing but an old raggedy house, but she worked hard and she make the money [inaudible]. The federal government says you must [inaudible]. You cannot cut the federal government money because if you cut the federal government, what about the staff working and all like that? They work hard, and they work hard for their money, and then y'all going to holler about cutting the federal government. There's court coming. Y'all going to have –, y'all going –, when the court come, you'll going to

[inaudible] the federal government, and I know you, Mr. Billy Hair, I know you'll do the right thing, but this is serious business, [inaudible].

Chairman Hair said, thank you, Mr. Pierce. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, Mr. Chairman, I don't see no reason that we're debating this, so I'm calling the question on the motion. Chairman Hair asked, would you allow me to make one statement because I was on the list before you call the question? All right, go ahead and we'll vote and then I'll make my statement. A call for the question. All those in favor of the motion vote yes, opposed vote no. Commissioners Murray, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioners Rayno, Rivers, Odell and Gellatly voted in opposition. The motion failed by a vote of five to three. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion fails.

Chairman Hair said, my statement is that I think Commissioner Kicklighter has put a lot of effort in his presentation, but it sure has a lot of holes in it, and I would hope the press would not present it the way it's been presented today without opposing viewpoints from those of us who have opposite opinions.

Commissioner Murray said, let me say one short thing. Chairman Hair said, yes. Commissioner Murray said, you know, I really feel like this committee that's supposed to be appointed should be looking at two things: consolidation and the possibility of incorporation of the unincorporated area of Chatham County, and I think those are the two issues that need to be looked at.

Chairman Hair said, okay.

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Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter asked, Mr. Chairman, can I ask the press a favor, my side of it rather than yours? Chairman Hair said, you can ask all you want. Commissioner Kicklighter said, [inaudible]. Chairman Hair said, well, you really are naive. I've got some swampland I'll sell you.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved that the County hold a series of four public hearings regarding the proposed consolidation of the City of Savannah and the unincorporated areas of Chatham County, with the first meeting to be held at the Civic Center, another on the westside for the unincorporated areas of West Chatham County, and two meetings in the Islands area, one being for Wilmington Island, one out toward The Landings. Commissioner Murray seconded the motion. Commissioners Murray, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioners Rayno, Rivers, Odell and Gellatly voted in opposition. The motion failed by a vote of five to three. [NOTE: Commissioner Jackel was not present.]

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**5. DEFINITION OF ZONING CODE (COMMISSIONER MURRAY).**

Commissioner Murray requested that discussion on this item be moved into the discussion on Item VII-2. Chairman Hair agreed without objection from the Board. Therefore, please refer to Item VII-2 for discussion on Definition of Zoning Code.

**ACTION OF THE BOARD:**

Please refer to Item VII-2 for discussion on Definition of Zoning Code, which was held in conjunction with Item VII-2.

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**ORDER OF BUSINESS**

Chairman Hair said, that takes us back to --, I believe we had a presentation scheduled earlier and the gentleman was not here. My understanding he has arrived now. Is Ed [Pulkinen] here now?

[NOTE: At this point on the agenda, we returned to Item V-1 for presentation of a proposal by Mr. Ed Pulkinen, President of TUSK, The Ultimate Sports Kamp.]

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**VIII. TABLED/POSTPONED ITEMS**

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

- 1. **REQUEST BOARD APPROVAL 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 23<sup>rd</sup> of February meeting. [DISTRICTS 6, 7, AND 8.]

**ACTION OF THE BOARD:**

This item was not placed before the Commissioners for consideration.

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- 2. **TO AMEND THE INTER-LOCAL AGREEMENT WITH THE CITY OF SAVANNAH TO ALLOW APPOINTEES TO SERVE MORE THAN TWO CONSECUTIVE TERMS ON THE SAVANNAH-CHATHAM LAND BANK. Tabled at meeting of March 9, 2001.**

**ACTION OF THE BOARD:**

This item was not placed before the Commissioners for consideration.

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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 APPROVAL OF THE FOLLOWING: A GENERAL FUND M&O BUDGET TRANSFER OF \$12,000 WITHIN THE TAX COMMISSIONER'S BUDGET FROM POSTAGE TO OVERTIME; A TRANSFER OF \$60,000 FROM THE 1993-98 SPLOST, UNINCORPORATED ROADS TO THE STAGECOACH ROAD PROJECT; A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$15,830 FOR PAYMENT DUE GEORGIA INDIGENT DEFENSE COUNCIL; AND A SPECIAL SERVICE DISTRICT CONTINGENCY TRANSFER OF \$26,360 FOR TRANSFER TO THE SOLID WASTE ENTERPRISE FUND; A GENERAL FUND M&O BUDGET AMENDMENT TO RECOGNIZE \$91,840 IN AQUATIC CENTER REVENUE AND APPROPRIATE \$91,840 TO THE AQUATIC CENTER FOR OPERATIONS; A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$8,340 TO THE AQUATIC CENTER FOR REPAIR COSTS; A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$76,580 TO THE AQUATIC CENTER FOR OPERATIONS; GENERAL FUND M&O TRANSFERS FROM THE FOLLOWING DEPARTMENTS TO THE TEMPORARY POOL FOR TEMPORARY HELP: ADMINISTRATIVE SERVICES, \$22,000 FROM OBJECT CODE 52.13001 (PROFESSIONAL FEES), AND A SPECIAL SERVICE DISTRICT TRANSFER OF \$4,300 FROM PUBLIC WORKS, OBJECT CODE 53.11002 (CLOTHING) TO THE TEMPORARY POOL.**

Chairman Hair said, I'll entertain a motion to approve. Commissioner Rayno asked, can we pull the first sentence out and approve the balance? Chairman Hair said, well, just if you want to ask a question about it, we can do that, but let's --. Commissioner Murray said, I've got some questions too. Chairman Hair said, let's get a motion and a second on the floor and then we can. No motion? Commissioner Odell said, I'll make a motion that we approve the balance following the first sentence. Chairman Hair asked, is your question the first one too? Commissioner Murray said, no, mine's --, my question --. Chairman Hair said, okay, let's go ahead and deal with questions first. Ask your questions first. Commissioner Murray and then Commissioner Rayno. Commissioner Murray said, well, I think, Commissioner Rayno was first.

Commissioner Rayno said, mine's on the Tax Commissioner's office. We're trying to approve overtime to assist customers in line at closing. I'm wondering why we can't, say, if the closing time's at five o'clock, why not shift your closing time to four o'clock. Chairman Hair said, the Tax Commissioner is here, he can answer that. Commissioner Rayno said, yes, because employees do work until five. Tax Commissioner Powers said, it's not just people that are in line at closing. We have to prepare for tax sales and that type thing, and we have to do after business hours to get it done because we don't have the staff. That's not just the -. Commissioner Rayno said, this is what I'm saying. Why not close to the public at an earlier hour and keep your employees on so that you do not incur overtime? I've been through your tag lines and they're not that long now out there by the Sheriff's. Tax Commissioner Powers said, we're not talking just tag lines, Commissioner Rayno, we're talking about Delinquent Tax Department, we're talking about prepare tax bills. We just went through that. We're out of -, we're out of money in the overtime line. Commissioner Rayno said, well, I suggest -. Tax Commissioner Powers said, if you don't approve this, then I don't get tax sales done, which is prescribed by law, so -. Commissioner Rayno said, well, I think there's a management problem if you've got this much overtime, and in the private sector -. Tax Commissioner Powers said, I beg to differ with you there that there's a management problem. Commissioner Rayno said, well, I think that you need to possibly limit the amount of time the public has and then you could have more time to -. Tax Commissioner Powers said, sir, I can't limit the amount of time the public has. We're a public service. We're there to help the public.

Chairman Hair said, Commissioner Rayno, in all due respect, I do think we're a policymaking body and not a management body to tell an individual department head how to manage their department, so -, I'm not so sure -. You're certainly entitled to make a motion to disapprove -.

Commissioner Rayno said, well, you're asking me to fund it, so I think I -. Tax Commissioner Powers said, no, you're not fund -, this money is already there. We're shifting money. I'm shifting money within my budget. Commissioner Rayno said, shifting to a policy that I don't agree with to a fact that you're going to -. Tax Commissioner Powers said, that's your opinion, Mr. Rayno. Commissioner Rayno said, that's right.

Chairman Hair said, okay, well, let's go ahead and get another question. Commissioner Murray and then we'll -, if we need to pull that out separately, we will.

Commissioner Murray said, Russ [Abolt], could you -. County Manager Abolt said, yes sir. Commissioner Murray asked, a little bit of detail on the Special Service District Contingency transfer of \$26,000 to the Solid Waste Enterprise Fund? County Manager Abolt said, yes sir. We've exhausted our Solid Waste Fund. We have obligations at Thomas Avenue. The only source we have to be able to address those in a timely fashion is the SSD. Commissioner Murray asked, how does the money actually go in, and not this money, but how do you actually receive money into the Solid Waste Fund? Isn't that off of tipping fees? County Manager Abolt said, yes sir, it's a combination of tipping fees, other factors. As you well know, because you've so close to it over the years, we have just really moved that fund down next to nothing. Because of the nature of the action that must be taken at Thomas Avenue and the immediacy of it, this was our only choice, sir. Commissioner Murray asked, Thomas Avenue is not covered under the one percent sales tax with the removal of it and relocation of part and that type thing? That doesn't fall under the sales tax? I mean, we -, Thomas Avenue -. County Manager Abolt said, yes sir. Commissioner Murray said, that's where we had to go in and relocate part of it, right, for the Truman Parkway. County Manager Abolt said, yes sir, that's correct, sir. Commissioner Murray asked, now, none of that sales tax money for the Truman Parkway -? County Attorney Hart said, yes, some of that was used -. Commissioner Murray asked, can be utilized on this? Rather than taking it out of Contingency? County Manager Abolt said, Mr. Drewry, please come forward. That's -, I apologize. I cannot answer that.

Mr. Robert Drewry said, I'm not familiar with the relocation of Thomas Avenue, but to me it's two different issues. One's the landfill itself and one's the road. You're asking if sales tax money coming to you for the road can be shifted to the landfill? Commissioner Murray asked, what are you actually going to do with the money on Thomas Avenue Landfill? Mr. Drewry said, we're going to construct a methane vent trench. We've had methane releases at the landfill, inside the boundaries of the landfill, and this money is going to be used to purchase the materials.

Chairman Hair asked, okay, Commissioner Rayno, do you want to pull that one -, that first one out and vote on it separately? Commissioner Rayno said, I sure do. Chairman Hair said, okay, let's -, I'll entertain a motion to approve the balance of Item #1 except for the first transfer. Commissioner Odell said, so moved. Commissioner Thomas said, second. Chairman Hair said, motion and second. All those in favor vote yes, opposed vote no. The Clerk asked, who was the second on that, I'm sorry? Chairman Hair said, Dr. Thomas. The motion carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

Chairman Hair said, okay, now I'll entertain -. Commissioner Odell said, I'll make a motion that we approve for the Tax Commissioner -. Chairman Hair said, \$12,000 transfer. Commissioner Odell said, the \$12,000 transfer within Danny's [Powers] budget. Chairman Hair said, okay. Do we have a second? Commissioner Thomas said, second. Chairman Hair asked, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and Murray voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

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

1. Commissioner Odell moved to approve the following: a transfer of \$60,000 from the 1993-98 SPLOST, Unincorporated Roads to the Stagecoach Road Project; a General Fund M & O contingency transfer of \$15,830 for payment due Georgia Indigent Defense Council; and a Special Service District contingency transfer of \$26,360 for transfer to the Solid Waste Enterprise Fund; a General Fund M & O budget amendment to recognize \$91,840 in Aquatic Center revenue and appropriate \$91,840 to the Aquatic Center for operations; a General Fund M & O contingency transfer of \$8,340 to the Aquatic Center for repair costs; a General Fund M & O contingency transfer of \$76,580 to the Aquatic Center for operations; General Fund M & O transfers from the following departments to the temporary pool for temporary help: Administrative Services, \$22,000 from object code 52.13001 (Professional fees), and a Special Service District transfer of \$4,300 from Public Works, object code 53.11002 (Clothing) to the temporary pool. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]
2. Commissioner Odell moved to approve the following: a General Fund M & O budget transfer of \$12,000 within the Tax Commissioner's budget from postage to overtime. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rivers, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and Murray voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Jackel was not present.]

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**2. REQUEST BOARD APPROVE THE NOTE RESOLUTION FOR THE COUNTY TO ISSUE SHORT-TERM DEBT TAX ANTICIPATION NOTES (SHORT TERM BORROWING, 2001) FOR CALENDAR YEAR 2001 FOR \$12.8 MILLION.**

Commissioner Odell said, I move for approval. Chairman Hair asked, second? Vice Chairman Thomas said, second. Chairman Hair asked, any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the Note Resolution for the County to issue short-term debt Tax Anticipation notes (short term borrowing, 2001) for calendar year 2001 for \$12.8 million. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**3. REQUEST BOARD APPROVE FISCAL YEAR 2001 MILLAGE LEVY CALENDAR.**

Vice Chairman Thomas said, move for approval. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair asked, any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.]

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the Fiscal Year 2001 millage levy calendar. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**4. BOARD CONSIDERATION OF REQUEST FOR WAIVER OF LATE PENALTY FOR TARDY BUSINESS TAX RENEWAL AFTER DUE DATE. PETITIONER: JOSEPH S. BAKER, TAX COORDINATOR FOR DESIGN, INC., D/B/A LEVI'S OUTLET BY DESIGNS #910, LOCATED AT 11 GATEWAY BOULEVARD SOUTH, #58. [DISTRICT 6.]**

Chairman Hair asked, is Mr Baker or someone representing Mr. Baker here? County Manager Abolt said, very quickly, Mr. Chairman, he's been invited. This is one where the staff has no discretion. You'll notice from the Facts and Findings he was one day late. We didn't have the discretion to waive the penalty. You certainly do.

Commissioner Murray said, since no one's here to represent him, I move that we deny it. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, all those in favor of denial vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Murray moved to **deny** the request for waiver of late penalty for tardy business tax renewal after due date by Petitioner Joseph S. Baker, Tax Coordinator for Design, Inc., d/b/a Levi's Outlet by Designs #910, located at 11 Gateway Boulevard South, #58. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**5. BOARD CONSIDERATION TO DISCONTINUE INSTALLATION OF DRIVEWAY CULVERTS FOR SINGLE-FAMILY RESIDENTIAL CONSTRUCTION.  
[ALL DISTRICTS.]**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, this is an item that Mr. Drewry brought to your attention through our trend analysis several weeks back. We're looking at taking the available resources we have within Public Works and using them more in the general public interest. In one case in particular, Mr. Drewry has show you in the staff report that the continuing policy to, in effect, install driveway culverts is being subsidized. The actual cost he estimates is about \$900, the fee is \$725. We, in effect, would like to get out of the culvert business and use those personnel in the general good of the County.

Commissioner Rayno said, motion to approve. Commissioner Murray said, I'd like some discussion. Chairman Hair said, motion. Is there a second? Commissioner Odell said, second. Chairman Hair said, okay. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Russ [Abolt]. County Manager Abolt said, yes sir. Commissioner Murray asked, does this --, does this also include those when the individual property owner buys a culvert the County will install it? County Manager Abolt said, this is two --, I'll defer it --. Commissioner Murray asked, is the same thing? County Manager Abolt said, no sir, this is the issue of where a person comes in and has to post a bond.

Mr. Robert Drewry said, yes, this is not the same issue. The ditch piping program will continue. Commissioner Murray asked, well, why would we be subsidizing it to begin with? County Manager Abolt said, well, this goes back years ago where we had an issue, particularly, and this is about 10 years ago, where certain portions of the unincorporated area were not doing a proper job of putting culverts in, primarily mobile homes, things like that, the County jumped into the brink and said, okay, we'll do this. Over time and over just sheer lack of really getting on top of it, we began to subsidize. The fees were lower than the actual cost. It's something we should be in the business of doing. Commissioner Murray said, well, I know we've always had a policy of if the property owner buys the culvert and the materials, then we go in and don't charge them to install it for them. County Manager Abolt said, this is different --. Chairman Hair said, that's a separate thing. County Manager Abolt said, this is different. Commissioner Murray said, which to me would be a bigger savings to them than --. County Manager Abolt said, yes, that will not change. This is if you're looking to access to a property.

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 Jackel was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Rayno moved to discontinue installation of driveway culverts for single-family residential construction and, if appropriate, that staff prepare an amendment to the Right-of-Way Encroachment Ordinance to discontinue such installation. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**6. REQUEST BOARD ADOPT A RESOLUTION IN OPPOSITION TO GEORGIA EPD'S DECISION TO REVOKE 80% OF THE ALLOCATION FOR THE CHATHAM COUNTY WATER BANK.**

Chairman Hair said, I think we certainly want to oppose this.

Commissioner Murray said, we sure do. Motion to approve.

County Manager Abolt said, the only thing --, Mr. Chairman, I would just defer to Commissioner Kicklighter, who came to me just before the meeting and said there was something that occurred.

Chairman Hair said, well, they --, what happened was they --, the EPD revoked Bloomingdale's right to withdraw. They gave them the right and Pooler protested and the EPD agreed with Pooler and revoked Bloomingdale's right. Commissioner Kicklighter said, Pooler and the City of Savannah. Chairman Hair said, and the City of Savannah, yes. Chairman Hair said, all those in favor --. We need a motion. Commissioner Murray said, I make a --, move. Chairman Hair said, motion. Is there a second? Commissioner Rivers said, second. The Clerk asked, is that to adopt or to --.

Commissioner Murray said, to adopt. Chairman Hair said, to adopt the resolution in opposition. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Murray moved to adopt a resolution in opposition to Georgia EPD's decision to revoke 80% of the allocation for the Chatham County Water Bank. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**7. REQUEST FOR WAIVER OF HIRING FREEZE:**

- **CHILD SUPPORT ENFORCEMENT: CHILD SUPPORT SPECIALIST (2 POSITIONS)**
- **POLICE DEPARTMENT: EMERGENCY COMMUNICATIONS DISPATCHER (1 POSITION)**
- **TAX COMMISSIONER: CLERICAL ASSISTANT III (1 POSITION)**
- **ICS DEPARTMENT: COMPUTER PROGRAMMER/ANALYST (1 POSITION); GIS ADMINISTRATOR (1 POSITION); COMPUTER TECHNICIAN INTERN (1 POSITION)**
- **BUILDING MAINTENANCE AND OPERATIONS: MAINTENANCE MECHANIC (1 POSITION); MAINTENANCE WORKER IV (1 POSITION); ADMINISTRATIVE ASSISTANT III (1 POSITION)**

Chairman Hair said, under our new policy we've asked each person to be present. We'll handle these separately. **Child Support Enforcement: Child Support Specialist (2 positions)**. Anyone here? Okay.

Mr. David Lowe said, yes sir. Dave Lowe, Director of Child Support Enforcement. These are Case Manager positions. Each position manages a thousand child support cases. Each position is fully reimbursed, all salary and benefits from the State.

Commissioner Odell said, move for approval. Commissioner Rivers said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes. Thank you. Mr. Lowe said, thank you.

Chairman Hair said, **Police Department: Emergency Communications Dispatcher**. Chief or Major?

Major Oliver said, good morning. This is a position for our E-911 Dispatcher. It's restricted funds that we would be using to hire this person. We have a board of qualified applicants, and one that has reappointment rights, and she's fully trained.

Commissioner Odell said, move for approval. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes. Major Oliver said, thank you.

Chairman Hair said, **Tax Commissioner: Clerical Assistant III (1 position)**. Chairman Hair recognized Tax Commissioner Powers.

Tax Commissioner Danny Powers said, yes, folks, this is a clerical job that's in the front end of my operation. It's now been open for 132 days.

Commissioner Odell said, I move for approval. Chairman Hair asked, second? Commissioner Rivers said, second. Chairman Hair asked, any discussion? All those in favor vote yes, opposed vote no. The Clerk asked, who was the second on that? Commissioner Rivers said, second. The Clerk said, thank you. Chairman Hair and Commissioners Rivers, Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion was defeated by a tie vote of four to four. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion is defeated on a tie vote.

Chairman Hair said, next, **ICS Department: Programmer/Analyst (1 position)**. Mr. Lewis Leonard said, members of the Board, Lewis Leonard, ICS Department. Chairman Hair said, Mr. Leonard, before you begin, let's go ahead and read the others and introduce them all at one time. **GIS Administrator (1 position); Computer Technician Intern (1 position)**. Okay. Mr. Leonard said, yes sir. Chairman Hair said, now.

Mr. Leonard said, the position of GIS Administrator, we have requested because of the request of the Chief Appraiser to help him get the tax digest out, so we were planning to fill this position, if possible, in July, but we can go ahead and advertise and recruit for that position now. The Computer Programmer/Analyst is a position on our Judicial Information Management Team. We have a contract with a third party that requires us to supply a certain amount of labor for this project and the third party to supply laser for the project also. So we're kind of needing to fill this position to be in

compliance with our agreement with that person. The position of Computer Intern, Technician Intern is –, we have an internship program whereby we hire on a part-time basis individuals from the various colleges and schools around the community, and this position is paid minimum wage up till about –. Commissioner Murray asked, no benefits? Mr. Leonard asked, sir? Commissioner Murray asked, no benefits? Mr. Leonard said, no benefits, part-time, and –. Chairman Hair asked, it is County money though? Mr. Leonard said, it is County money, it's budgeted in my budget, and it is –, we also use these interns as a way to evaluate folks who later apply for our jobs, know their work ethics, and that's all I have to say.

Chairman Hair said, I would suggest to my fellow Commissioners, let's do this –, I'm opposed to the intern. I think we can delay that one. The other two I can support, so if you want to vote on them –?

Commissioner Odell said, I'll make a motion for the first two. Chairman Hair said, first two. Okay, do we have a second? Commissioner Rivers said, second.

Commissioner Rayno said, I'd just like to say one thing. If we don't do this, it's the realization that it might jeopardize the digest coming in on time, is that correct? Chairman Hair said, I think that was one of the reasons. I'm not sure that's the only reason. County Manager Abolt said, that's correct. Chairman Hair said, he used that as one reason. You can ask him. Commissioner Rayno said, so –, go ahead. Mr. Leonard said, all three of the GIS positions, the City, the County and the MPC positions are vacant, and so there's nobody at this point supporting the website and mapping and whatever. We would like to fill this position, but the Chief Appraiser has definitely asserted that his operation needs that support.

Chairman Hair said, but it also –, the GIS position serves a lot more than the Tax Assessor's office. Mr. Leonard said, oh, yes. Chairman Hair said, it serves community-wide, so it's –. Mr. Leonard said, Engineering –. Chairman Hair said, yes, it serves our own internal departments.

Commissioner Rayno said, the point I'm trying to make is I don't want there to be any excuses as to why that digest is not to come in on time as it should when the time comes. That's why I'm going to vote for this.

Chairman Hair said, I agree, Commissioner Rayno, I think they will anticipate that. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, did you –, you said that one of these jobs is the –, it might have been the Computer Programmer –. Mr. Leonard said, yes. Commissioner Murray said, would be advertised, but would not be hired until July. Is that what you said? Mr. Leonard said, that was the GIS Administrator, that's what we had planned, but we are now requesting to go ahead and advertise it and hire as soon as possible.

Chairman Hair said, in advance. Because we have an agreement with those [inaudible]. All right, we're voting on the first two, Computer Program Analyst and the GIS Administrator (1 position), all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Rivers, Odell and Thomas voted in favor of the motion. Commissioners Murray, Gellatly and Kicklighter voted in opposition. The motion carried by a vote of five to three. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

Chairman Hair said, the next one is Computer Technician Intern. I just think that one can be delayed.

Commissioner Odell said, motion to deny. Commissioner Thomas said, I move to approve. Chairman Hair said, well, we have a motion to deny first. Do we have a second to the motion to deny? Commissioner Kicklighter said, second. Chairman Hair said, second. All those in favor of denying vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Rivers, Murray, Odell, Gellatly and Kicklighter voted in opposition. Vice Chairman Thomas voted in favor of the motion. The motion to deny carried by a vote of seven to one. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion to deny passes.

Chairman Hair said, next one, **Building Maintenance and Operations: Maintenance Mechanic (1 position); Maintenance Worker IV (1 position); and Administrative Assistant III (1 position)**. Chairman Hair recognized Mr. Lynch.

Mr. George Lynch said, to begin with let me make it clear we're filling the Maintenance Mechanic position by promotion from within, highly qualified maintenance worker. We promote him into the position. So the only thing that involves going out and bringing a new person in is replacing the Maintenance Worker. Very briefly, the shop which consists including the working supervisor of nine people is maintaining slightly over 1.1 million square feet of structures, and that's everything but the jail. We're short. We are running behind. Each individual is maintaining in the order of 110,000 square feet. It is scattered from east to west in Chatham County. We are having trouble making it.

Commissioner Rivers said, George [Lynch], I'll move for approval. Chairman Hair asked, do I have –? Commissioner Odell said, second. Chairman Hair said, second. Chairman Hair recognized Commissioner Murray.

Commissioner Murray asked, George [Lynch], do you really believe that we'll have that much damage done to the facilities between now and July? Mr. Lynch said, yes sir, I honestly do because unfortunately because we are short-handed we have already cut to fixing things that are broken, roofs that are leaking, pipes that are leaking, things of that nature.

Commissioner Murray said, well, you had emergency bids or emergency approval on several agendas to fix those items. Mr. Lynch said, those, sir, were the ones on rental property that I'm not even including in this, and they exceeded ours.

Chairman Hair said, I've got a motion and a second to approve. Commissioner Kicklighter said, I've got a question. Chairman Hair recognized Commissioner Kicklighter. Mr. Lynch said, yes sir.

Commissioner Kicklighter said, I promise I'm not –, trying to be facetious or whatever, but are we still under a supposed hiring freeze? Commissioner Murray said, we've always been under one. Yes, that's why they come to us. Chairman Hair said, that's why they're here. Commissioner Kicklighter said, this is terrible because everybody's got a great reason to get another employee, but we're supposedly under a hiring freeze. Chairman Hair said, but that's why they bring them to us, Commissioner Kicklighter, so you can make a decision of whether you agree with them or not. Commissioner Kicklighter asked, okay, so what's the motion? To approve? Chairman Hair said, the motion is to approve and a second.

Commissioner Rivers asked, Mr. Chairman, can I say something? Chairman Hair recognized Commissioner Rivers. Commissioner Rivers said, Mr. Kicklighter. Commissioner Kicklighter said, yes sir. Commissioner Rivers said, the reason that we have a hiring freeze is so that we can save some money through those people not being hired so we can infuse that into the budget, but actually it really does nothing because it's not a continuing stream of revenue. Here again, we can get back to the same thing. We shouldn't even have a hiring freeze. We should try to stabilize this budget and leave it as it is.

Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair said everybody needs to vote. We've got eight people. The motion is to approve. Chairman Hair and Commissioners Rivers, Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion failed by a tie vote of four to four. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, four/four. The motion fails on a tie vote.

Commissioner Odell said, I'll make a motion to deny. Commissioner Murray said, you can't do that, we've already –. Chairman Hair said, I don't think you can make a –. Commissioner Odell asked, why can't I? Chairman Hair said, well, because it's already –. Commissioner Odell said, if the motion –, if I –. Chairman Hair said, I think you can make the motion to deny because the motion failed. So a second motion can be made, the first motion failed. Commissioner Odell said, right. Chairman Hair said, so we can make a motion. Commissioner Murray asked, so you're going to make a motion to deny –. Commissioner Rayno said, it's just the opposite. What's the point? Commissioner Kicklighter said, then we can make another motion to –. Commissioner Murray said, no, all we've got to do is vote to deny it. Commissioner Kicklighter said, we'll be here all night. Chairman Hair asked, is there a second to his motion? Commissioner Rayno said, no. Chairman Hair said, no second. The motion fails –.

Commissioner Rivers said, I move for reconsideration. Chairman Hair asked, were you on the prevailing side? Commissioner Rivers said, there's no prevailing side. Chairman Hair said, well –. Commissioner Odell said, I really think we're making a serious mistake when we attempt to save money in the mistaken belief that allowing our buildings to deteriorate. Whether or not we have a freeze or not, we have mandatory services which we must provide –.

Chairman Hair said, all right, I'm going to allow Commissioner Rivers, in his motion to reconsider, I'm going to –, it is a motion in order –, I'm going to rule that it's in order, so if we have a second –, it doesn't require a second. Commissioner Murray said, wait a minute though, he voted –. Chairman Hair said, it wouldn't make any difference. County Attorney Hart said, he voted in favor of the motion. Commissioner Murray said, that's right, but the motion was defeated because it was a tie vote. County Attorney Hart said, you go to prevailing side and then you go to –. Commissioner Murray said, I think you'd better pull your *Robert's Rules* out. Commissioner Odell asked, was there a prevailing side? Chairman Hair said, no. County Attorney Hart said, no, but he voted for the motion. Chairman Hair said, he voted in the affirmative. County Attorney Hart said, he voted in the affirmative for the motion. Chairman Hair said, so he would be entitled to the motion for reconsideration. Commissioner Murray said, I don't think so on something like that. Chairman Hair said, he has a motion for reconsideration. All those in favor of reconsideration vote yes, opposed vote no. Commissioners Rivers, Odell and Thomas voted in favor of the motion for reconsideration. Chairman Hair and Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion for reconsideration failed by a vote of five to three. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion for reconsideration fails.

Chairman Hair recognized Mr. Ken Earls.

Mr. Ken Earls said, you know, some of you are getting quite radical, but I have a question. When something major does go wrong because of the votes you're taking now because you think you're being cute, who's going to pay for it then? We are, and we're stuck with you all for more than three years before we can try to change things. So keep that in mind when you have to have –, when some emergency does come up and you're stuck with some big spending. No, we're stuck with it.

Chairman Hair said, thanks, Mr. Earls.

Commissioner Rivers said, it's simple, George [Lynch], put it back on the agenda for the next meeting.

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

1. Commissioner Odell moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise the following: Child Support Enforcement - Child Support Specialist (2 positions). Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]
2. Commissioner Odell moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise the following: Police Department - Emergency Communications Dispatcher (1 position). Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]
3. Commissioner Odell moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise: Tax Commissioner - Clerical Assistant III (1 position). Commissioner Rivers seconded the motion. Chairman Hair and Commissioners Rivers, Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion was defeated by a tie vote of four to four. [NOTE: Commissioner Jackel was not present.]
4. Commissioner Odell moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise: ICS Department - Computer Programmer/Analyst (1 position); GIS Administrator (1 position). Commissioner Rivers seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Odell and Thomas voted in favor of the motion. Commissioners Murray, Gellatly and Kicklighter voted in opposition. The motion carried by a vote of five to three. [NOTE: Commissioner Jackel was not present.]
5. Commissioner Odell moved to **deny** waiver of the 90-day hiring freeze for the following position: ICS Department - Computer Technician Intern (1 position). Commissioner Kicklighter seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Murray, Odell, Gellatly and Kicklighter voted in opposition. Vice Chairman Thomas voted in favor of the motion. The motion to deny carried by a vote of seven to one. [NOTE: Commissioner Jackel was not present.]
6. Commissioner Rivers moved to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise: Building Maintenance and Operations - Maintenance Mechanic (1 position); Maintenance Worker IV (1 position); Administrative Assistant III (1 position). Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rivers, Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion failed by a tie vote of four to four. [NOTE: Commissioner Jackel was not present.]
7. Commissioner Rivers moved to reconsider the motion to approve waiver of the 90-day hiring freeze and authorize the Human Resources to advertise: Building Maintenance and Operations - Maintenance Mechanic (1 position); Maintenance Worker IV (1 position); Administrative Assistant III (1 position). Commissioners Rivers, Odell and Thomas voted in favor of the motion for reconsideration. Chairman Hair and Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion for reconsideration **failed** by a vote of five to three. [NOTE: Commissioner Jackel was not present.]

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## **X. ACTION CALENDAR**

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

Chairman Hair asked, does anybody want to pull anything off the Action Calendar. Commissioner Murray said, 12 and 14. Chairman Hair said, all right, I'll approve [sic] a motion to -. Commissioner Rayno said, in memory of Mr. Jackel, K and L. Chairman Hair asked, which ones? Commissioner Rayno said, K and L. Chairman Hair said, K and L. I'll make sure he knows. Commissioner Rayno said, and P. Commissioner Murray said, and I also have M. Chairman Hair said, all right. I'll approve [sic] a motion -, to approve the balance of the Action Calendar. Commissioner Rivers said, so moved. Chairman Hair asked, second? Second? Commissioner Kicklighter said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

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

Commissioner Rivers moved that the Action Calendar be approved in its entirety with the exception of Items 12, 14, 22-K, 22-L, 22-M and 22-P. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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

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**1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON APRIL 6, 2001, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve the minutes of the regular meeting on April 6, 2001, as mailed. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD MARCH 29 THROUGH APRIL 18, 2001.**

**ACTION OF THE BOARD:**

Commissioner Rivers moved that the Finance Director is authorized to pay claims for the period March 29, 2001, through April 6, 2001, in the amount of \$5,720,895. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**3. REQUEST BOARD APPROVAL OF AN ANNUAL RESOLUTION TO REAFFIRM THE NECESSITY OF THE "E-911" AND WIRELESS ENHANCED "E-911" CHARGES.**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to adopt an annual resolution to reaffirm the necessity of the E-911 and wireless enhanced E-911 charges. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**4. REQUEST BOARD APPROVE A REVISED FISCAL YEAR 2001/2002 BUDGET CALENDAR.**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approved a revised Fiscal Year 2001/2002 Budget Calendar. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**5. REQUEST BOARD APPROVE SUBMISSION OF GEORGIA INDIGENT DEFENSE GRANT APPLICATION IN ORDER TO RECEIVE FUNDING FROM THE STATE OF GEORGIA TO HELP FUND THE INDIGENT DEFENSE PROGRAM.**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve submission of Georgia Indigent Defense Grant Application in order to receive funding from the State of Georgia to help fund the Indigent Defense program and authorize the Chairman to sign the grant application. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**6. REQUEST BOARD APPROVAL FOR RECLASSIFICATION OF THE ADMINISTRATIVE ASSISTANT II TO AN ADMINISTRATIVE ASSISTANT III IN ORDER TO ENSURE PAY EQUITY WITHIN THE COURT ADMINISTRATOR OPERATIONS.**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve reclassification of the Administrative Assistant II to an Administrative Assistant III in order to ensure pay equity within the Court Administrator operations. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**7. REQUEST BOARD APPROVE AN AMENDMENT TO THE GRANT FROM THE GEORGIA DEPARTMENT OF NATURAL RESOURCES FOR AID IN CONSTRUCTION OF TRUMAN LINEAR PARK [DNR PROJECT #NRT-97(7)] EXTENDING THE DEADLINE FOR COMPLETING THE PARK.  
[DISTRICT 2.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve an amendment to the grant from the Georgia Department of Natural Resources for aid in construction of Truman Linear Park [DNR Project #NRT-97(7)] extending the deadline to December 31, 2001, for completing the park. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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- 8. REQUEST BOARD APPROVE A REVISED LOCAL GOVERNMENT PROJECT AGREEMENT WITH GDOT FOR THE WIDENING OF U.S. HIGHWAY 80 FROM LYNES PARKWAY TO VICTORY DRIVE.  
[DISTRICT 8.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve a revised Local Government Project Agreement (LGPA) with the Georgia Department of Transportation for the widening of U.S. Highway 80 from Lynes Parkway to Victory Drive. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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- 9. REQUEST BOARD APPROVE A REQUEST FOR EARLY ACQUISITION OF PROPERTY OWNED BY MR. AND MRS. ARTIE L. LAMB AT 1277 BECKMAN AVENUE, TRUMAN PARKWAY, PHASE V.  
[DISTRICT 1.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve a request for early acquisition of property owned by Mr. and Mrs. Artie L. Lamb at 1277 Beckman Avenue, Truman Parkway, Phase V. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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- 10. REQUEST FROM THOMAS & HUTTON, ENGINEER FOR THE DEVELOPER, FOR THE COUNTY TO RECORD THE SUBDIVISION PLAT FOR HENDERSON GOLF COMMUNITY, PHASE 3A, APPROVE THE CONSTRUCTED IMPROVEMENTS, ACCEPT THE MAINTENANCE AGREEMENT AND FINANCIAL GUARANTEE AND RECOMBINE THE SUBDIVISION INTO THE EXISTING STREETLIGHTING ASSESSMENT DISTRICT.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve a request from Thomas & Hutton, engineer for the developer, for the County to record the subdivision plat for Henderson Golf Community, Phase 3A, approve the constructed improvements, accept the maintenance agreement and financial guarantee, initiate the 12-month warranty period, and recombine the subdivision into the existing streetlight assessment district. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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- 11. REQUEST FROM ENGINEER FOR THE DEVELOPER, HERON CREST DEVELOPERS, INC., TO RECORD THE SUBDIVISION PLAT FOR BETZ CREEK SUBDIVISION PHASE 6B, APPROVE THE CONSTRUCTED IMPROVEMENTS, ACCEPT THE MAINTENANCE AGREEMENT AND FINANCIAL GUARANTEE AND RECOMBINE THE SUBDIVISION INTO THE EXISTING BETZ CREEK STREETLIGHTING ASSESSMENT DISTRICT.  
[DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve the request from engineer for the developer, Heron Crest Developers, Inc., to record the subdivision plat for Betz Creek Subdivision Phase 6B, approve the constructed improvements, accept the maintenance agreement and financial guarantee and recombine the subdivision into the existing Betz Creek streetlight assessment district. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**12. REQUEST BOARD APPROVE A REQUEST FROM RANDALL DAVIS FOR THE COUNTY TO DECLARE A PORTION OF THE 6<sup>TH</sup> STREET RIGHT-OF-WAY ON WILMINGTON ISLAND AS SURPLUS AND TO QUIT CLAIM THE PROPERTY.  
[DISTRICT 4.]**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I'm just trying to –, this 6<sup>th</sup> Street, you don't –, the County never plans on utilizing that property at all? Chairman Hair asked, where's Mr. Bungard. Is he here?

County Manager Abolt said, no sir. Mr. Bungard was here. Pat [Monahan], get Al [Bungard] please right away. Can we do the other one, sir, and we'll come right back. He was here –. Chairman Hair said, we'll come back to that one.

\* \* \*

Chairman Hair recognized Mr. Bungard.

County Engineer Bungard said, I heard your question on the speaker phone. We will –. Commissioner Murray said, that's why you stay up there and not down here. You don't have to put up with us. County Engineer Bungard said, I'm trying to get some work off –. It's right next to the park we quitclaimed one before. There was confusion about where that was. If you want the details of all the people involved, but there have been a series of quitclaims in that area –. Commissioner Murray said, I know. County Engineer Bungard said, between Johnny Mercer and U. S. 80. This is just the last piece. We have no need for road drainage or anything else. Commissioner Murray said, well, I think at the last meeting or meeting before last we did another stretch in there to somebody else. County Engineer Bungard said, yes. Mr. Vincent Grevemberg said, it was right adjacent. County Engineer Bungard said, right adjacent to this. Commissioner Murray said, my question is, what is that tract it's now on zoned? County Engineer Bungard said, the zoning I do not know. Commissioner Murray asked, and if he quitclaims that, does this automatically go into that same zoning and increases the square footage of that property so –, where they can go into another zoning? Mr. Grevemberg said, that's a good question. I don't know how the zoning is affected by quitclaiming the right-of-way.

Chairman Hair said, I wouldn't think so. Mr. Hart, do you have an opinion on that?

Commissioner Murray said, well, Bill [Saxman] is out there. Bill [Saxman] might be able to answer the question. Mr. Saxman said, I'm not familiar with the property, but if the property is purchased or owned by an individual, whatever the base zoning would be would apply to that property's zoning. Commissioner Murray said, but the property that is owned by the County is going to be quitclaimed. Mr. Saxman said, well, it's still zoned because all properties are zoned, even the right-of-way is zoned. Commissioner Murray asked, so that would go into the same –? Mr. Saxman said, base zoning I would assume. I'm not sure where the property is. I'm not familiar with that property, but whatever the current zoning is –. Chairman Hair said, it stays in place.

County Attorney Hart said, a lot of times when we do that though, we end up having to consider rezoning because we chopped some piece of the property and –. Commissioner Murray said, well, that's the reason I'm asking this question. By adding that it gives them more square footage of lot size. Chairman Hair said, but it –. Commissioner Murray said, come in with different type development, which would still have to go through a zoning process. Chairman Hair said, right, right. Commissioner Murray said, but the fact is the square footage is there for it. Chairman Hair said, yes. Mr. Saxman said, he would pick up the square footage and use that square footage. County Attorney Hart said, yes. Mr. Saxman said, whatever the base zoning is allowed. I think that probably –. County Attorney Hart said, normally it's the other way around and we end up taking it away and making a lot of nonconformed lots. Chairman Hair said, okay.

Commissioner Murray said, move for approval. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve a request from Randall Davis for the County to declare a portion of the 6<sup>th</sup> Street right-of-way on Wilmington Island as surplus and to quit claim the property. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**13. REQUEST BOARD DECLARE AS SURPLUS AND OFFER FOR SALE A SUBSTANDARD-SIZED LOT ON PATE AVENUE IN THE CITY OF SAVANNAH.  
[DISTRICT 8.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to declare as surplus and offer for sale a substandard-sized lot on Pate Avenue in the City of Savannah, located at 0 Pate Avenue (PIN 2-0636-18-004), and described as Lot 17, Block C, Ogeecheeton. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**14. REQUEST BOARD DECLARE AS SURPLUS AND OFFER FOR SALE A SUBSTANDARD-SIZED LOT ON RAILROAD AVENUE IN THE CITY OF TYBEE ISLAND. [DISTRICT 4.]**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray asked, so what figure are we selling that surplus property at Tybee Island for? County Manager Abolt said, we will not know until we actually get the proposal in. They'll use the appraised value. I'm sorry, sir, I just sent --, I sent my expert up to get the other gentleman. Commissioner Murray said, I don't have a problem. I'll move to approve that because I said I don't want any --.

Chairman Hairsaid, we have a motion to approve Item #14. Do I have a second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes. That takes care of that.

**ACTION OF THE BOARD:**

Commissioner Murray moved to declare as surplus and offer for sale a substandard-sized lot on Railroad Avenue in the City of Tybee Island, located at 0 Railroad Avenue, and described as a triangular strip, south side of Estill Street, west of McKenzie Street, Bay Ward. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**15. REQUEST BOARD APPROVAL TO PROVIDE A QUIT CLAIM TO THE LAND BANK AUTHORITY FOR LOT 270 IN TREMONT PARK, A PROPERTY HELD BY TAX DEED, WITHIN THE CITY OF SAVANNAH. [DISTRICT 8.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve providing a quit claim to the Land Bank Authority for Lot 270 in Tremont Park, a property held by tax deed, within the City of Savannah. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**16. REQUEST BOARD APPROVAL FOR A QUIT CLAIM DEED TO RETURN OWNERSHIP OF THE OWENS-THOMAS HOUSE AND ARTS CENTER PROPERTY TO THE TELFAIR MUSEUM OF ART BASED ON THE ORGANIZATION'S COMPLETION OF REQUIREMENTS UNDER ITS AGREEMENT WITH CHATHAM COUNTY FOR USE OF SPLOST FUNDS, 1993-1998. [DISTRICT 3.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to authorize the Chairman to execute quit claim deeds to return ownership of the Owens-Thomas House and arts center property to the Telfair Museum of Art based on the organization's completion of requirements under its agreement with Chatham County for use of SPLOST Funds, 1993-1998. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**17. REQUEST FOR NEW BEER POURING LICENSE FOR 2001. PETITIONER: GARY WAYNE BETTIS, D/B/A THE DUCK POND, LOCATED AT 4001 OGEECHEE ROAD. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve the request of Petitioner Gary Wayne Bettis, d/b/a The Duck Pond, located at 4001 Ogeechee Road, for a new beer pouring license for 2001. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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- 18. REQUEST FOR NEW OF BEER, WINE AND LIQUOR POURING AND SUNDAY SALES LICENSE FOR 2001. PETITIONER: MORGAN L. BARNWELL, SR., D/B/A LARRY'S LOUNGE & RESTAURANT, LOCATED AT 5115 OGEECHEE ROAD. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve the request of Petitioner Morgan L. Barnwell, Sr., d/b/a Larry's Lounge & Restaurant, located at 5115 Ogeechee Road, for a new beer, wine and liquor pouring and Sunday sales license for 2001. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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- 19. REQUEST FOR NEW OF BEER, WINE AND LIQUOR POURING AND SUNDAY SALES LICENSE FOR 2001. PETITIONER: CLYDE SIMS, D/B/A SANDFLY BAR & GRILL, LOCATED AT 7360 SKIDAWAY ROAD. [DISTRICT 3.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve the request of Petitioner Clyde Sims, d/b/a Sandfly Bar & Grill, located at 7360 Skidaway Road, for a new beer, wine and liquor pouring and Sunday sales license for 2001. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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- 20. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER AND WINE POURING LICENSE FOR 2001. PETITIONER: LISA MEADOR CLARK, D/B/A THE UPPER CRUST RESTAURANT, LOCATED AT 3A SKIDAWAY VILLAGE WALK. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve the request of Petitioner Lisa Meador Clark, d/b/a The Upper Crust Restaurant, located at 3A Skidaway Village Walk, for renewal of a Sunday sales of beer and wine pouring license for 2001. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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- 21. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001.**
- A. PETITIONER: STEPHEN A. GROVE, AGENT FOR RESTAURANT CONCEPTS II, LLC, D/B/A APPLEBEE'S NEIGHBORHOOD GRILL & BAR, LOCATED AT 5460 AUGUSTA ROAD. [DISTRICT 7.]**
  - B. PETITIONER: STEPHEN A. GROVE, AGENT FOR RESTAURANT CONCEPTS II, LLC, D/B/A APPLEBEE'S NEIGHBORHOOD GRILL & BAR, LOCATED AT 4705 U.S. HIGHWAY 80 EAST. [DISTRICT 4.]**
  - C. PETITIONER: ROBERT DOSTOR MIMS, III, D/B/A STEAMERS RESTAURANT & RAW BAR, LOCATED AT 1190 KING GEORGE BOULEVARD. [DISTRICT 6.]**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve the requests for renewal of Sunday sales of beer, wine and liquor pouring license for 2001 for: (a) Petitioner Stephen A. Grove, agent for Restaurant Concepts II, LLC, d/b/a Applebee's Neighborhood Grill & Bar, located at 5460 Augusta Road; (b) Petitioner Stephen A. Grove, agent for Restaurant Concepts II, LLC, d/b/a Applebee's Neighborhood Grill & Bar, located at 4705 U.S. Highway 80 East; and (c) Petitioner Robert Dostor Mims, III, d/b/a Steamers Restaurant & Raw Bar, located at 1190 King George Boulevard. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Declare old trucks, vans and sedans as surplus and authorize sale at a public auction	Purchasing	N/A	N/A	Revenue Producing
B. Replacement feed belt and teeth for grinder	Solid Waste	Southeastern Equipment Company	\$14,448	Solid Waste Restricted Fund
C. Change Order No. 5 to the contract to construct improvements along various sections and intersection on Waters Avenue for the summation of all the over-runs and under-runs	SPLOST	APAC-GA	\$115,874.86	SPLOST (1985-1993) - Waters Avenue TSM
D. Contract for the paving of Stagecoach Road	SPLOST	Coastal Grading and Rental	\$199,436.02	SPLOST (1993-1998) - Unincorporated Roads (pending Board approval of transfer)
E. Contract for the Central Avenue Stormwater Improvements	SPLOST	D & R Utilities Construction	\$230,213.32	SPLOST (1998-2003) - Drainage - Parkersburg Project
F. Final renewal option to annual contract for wrecker service	Various	Sapp's Wrecker Service	No charge for County owned vehicles	No funding required
G. Change Order No. 1 to the annual contract to provide various high volume paper and chemical products to recognize a manufacturer imposed price increase on various items	Various	•Paper Chemical •Coastal Sail Supply	Varies by item	•SSD - Various •General Fund/M&O - Various
H. First renewal option to annual contract to provide various types of high volume printing requirements and to recognize a manufacturer imposed price increase	Various	Wynn Business Systems, Inc.	Varies by item	•SSD - Various •General Fund/M&O - Various
I. Purchase and installation of chain link fencing for the Pine Barren Road Waste Water Treatment Plant	Water and Sewer	Sunshine Fence Company	\$33,909	Water and Sewer Enterprise Fund
J. 1,500 tons of #57 crushed stone	Solid Waste	Martin Marietta Aggregates	\$22,500	Solid Waste Management Fund (pending Board approval of transfer)
K. Bathroom plumbing renovations at various County parks	Parks and Recreation	M. O. Seckinger Company	\$42,785	Bond Proceeds - Parks and Recreation Improvements
L. Change Order No. 15 to the contract to perform hydraulic analysis of the Pipemakers Canal to provide additional services for the Port Industrial Park Drainage Project	SPLOST	EMC Engineering	\$74,850	SPLOST (1998-2003) - Drainage - Pipemakers Canal
M. Deductive Change Order No. 1 to the contract to provide operation of the Whitemarsh Island Community Center	Parks and Recreation	SJC Health Services	(\$5,025)	General Fund/M&O - Whitemarsh Island Community Center

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
N. Contract to provide consultant services for the design of the Coastal Georgia Greenway Trail	SPLOST	Hinesley-Hickson Association	\$340,180	SPLOST (1998-2003) - Coastal Georgia Greenway
O. Change Order No. 15 to the contract for replacement of controls and chillers at the Judicial Courthouse to replace coils in three air handlers	Building Maintenance and Operations	Erickson and Associates	\$64,823	Bond Proceeds - Judicial Courthouse HVAC replacement
P. Annual contract with option to renew for two additional one year terms to provide external audit services to perform State mandated audits	Finance	Karp, Ronning, Arkin and Tindol	\$95,700	•SSD - Various •General Fund/M&O - Various

**As to Items 22-A through 22-O, except Items 22-K, 22-L and 22-M:**

Commissioner Rivers moved to approve Items 22-A through 22-O, except Items 22-K, 22-L and 22-M. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

**As to Item 22-K:**

**Bathroom plumbing renovations at various County parks; Parks and Recreation; M. O. Seckinger Company; \$42,785; Bond Proceeds - Parks and Recreation Improvements.**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, based on the number of complaints we've received, both in the Fourth District and the First District, with recreation facilities, this is something that's long overdue and I'm glad to see it because if you walk through these parks, it just would leave you in shame that we're stewards of this.

Chairman Hair asked, do you want to make a motion to approve? Commissioner Rayno said, motion to approve. Chairman Hair asked, second? Second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

**As to Item 22-L:**

**Change Order No. 15 to the contract to perform hydraulic analysis of the Pipemakers Canal to provide additional services for the Port Industrial Park Drainage Project; SPLOST; EMC Engineering; \$74,850; SPLOST (1998-2003) - Drainage - Pipemakers Canal.**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno asked, what's the status of this project, Mr. Lynch? County Manager Abolt said, we're supposed to have Mr. Bungard give that. Pipemakers Canal status?

County Engineer Al Bungard said, the status of the Port Industrial Park or the Pipemakers Canal? Commissioner Rayno said, Pipemakers Canal. County Engineer Bungard said, we received the 404 Permit from the Corps for Phase I, which will be the improvements from the Tidegate and Georgia Ports Authority up to the crossing at 17. We are acquiring, I think it's 17 parcels total, two are pending possible condemnation. We're trying to work around -, excuse me, one with, as I put in the drainage report, with Comeragh Trucking, and the other, the Georgia Ports Authority agreement is on my desk for review and by the County Attorney to finalize that. When we're done reviewing it, we will give it back to their attorneys and then we'll advertise for the construction of the Canal. The Georgia Ports Authority will be designing the bridge crossing, and by this agreement we're going to go -, they're going to design it but we're going to build it without their obligation.

Commissioner Rayno said, thank you for all your work, and I just wanted the public to know where it stands at. It's a substantial amount of money. Commissioner Rayno said, move to approve. Chairman Hair asked, second? Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

**As to Item 22-M:**

**Deductive Change Order No. 1 to the contract to provide operation of the Whitemarsh Island Community Center; Parks and Recreation; SJC Health Services (\$5,025); General Fund/M&O - Whitemarsh Island Community Center.**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, the only question I have on this is are we changing that contract or reducing anything they've been doing, or is --? Mr. George Lynch said, we're acknowledging everything remains the same. They do not reduce services. We reduced by \$5,025 the amount we have to pay to them for April, May and June with their agreement. Commissioner Murray said, good. Motion to approve.

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

**As to Item 22-P:**

**Annual contract with option to renew for two additional one-year terms to provide external audit services to perform State mandated audits; Finance; Karp, Ronning, Arkin and Tindol; \$95,700; SSD - Various, General Fund/M&O - Various.**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, it's my understanding that we've used this firm before in the past. Right? Chairman Hair said, yes, we have used them in the past. Commissioner Rayno said, when a company does an audit like that, they have all the software and all the templates are in place, so it's very easy for them every year to come back in and do the audit. That's why I'm really curious as to why they offered a higher fee to come in and do the audit than the opposing company, and then my second concern is the fact that sometimes it's best to have a fresh eye looking at a County rather than the firm that's so comfortable with us and has looked at us continuously year after year. It's good to have a new company come in with new people and take a fresh look at things. We see the same problems occurring every year in our audit where we have revenue loss at collection points and et cetera, and they dance around that, but I think that we should take a closer look and be more thorough in our audit, and then the other thing also is the fact that nowhere in this background information do I see where or not the opposing company will also provide GASB 34 services like the first company will.

County Manager Abolt said, well, they have to, and I might add up front, it's very important, this is an RFP. You can make the decision not based on fees. Also, the reason I'm bringing now to your attention, this form works for you. This is your check and balance on the rest of the organization, so I want you to be at ease with the proposal that's before you. We gave you last night the reason why the staff committee made the recommendation, but this action must be driven by your appreciation for the work you're going to get and also the fact that you know the firm will do a good job for you.

Commissioner Rayno said, so the other company will provide GASB 34 --? County Manager Abolt said, yes. Commissioner Rayno said, price. Well, I'm surprised that that wasn't included in the information. It's almost like you've skewed us to want to make this decision to take the company again.

Chairman Hair said, I would suggest two things. First of all, they have done a good job in the past, and I have no problem with the approving it, and that's what the motion is. However, if you want the answers to your question and you want to table it and get Mr. Persaud to speak to one of your questions, that is, why not going to another firm, and then have the firm itself --, I think it would be unfair to deny it based --, because they're not here to --. For example, you asked a question about why's the fee higher, they'd be able to answer that, but they're not here today to do that.

Commissioner Rayno said, well, let's table it then please. Chairman Hair said, we have a motion to table. Commissioner Murray said, second. Chairman Hair said, second. Chairman Hair said, all those in favor of tabling vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

1. Commissioner Rivers moved to approve Items 22-A through 22-O, except Items 22-K, 22-L and 22-M. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]
2. Commissioner Rayno moved to approve Item 22-K. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]
3. Commissioner Rayno moved to approve Item 22-L. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]
4. Commissioner Rivers moved to approve Item 22-M. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]
5. Commissioner Rayno moved to table to the next meeting Item 22-P. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**XI. FIRST READINGS**

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

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

**1. TO ADOPT PROPOSED AMENDMENT TO CHAPTER 23 OF THE CODE OF CHATHAM COUNTY, TO ADD ARTICLE II, PUBLIC BOAT RAMP AT BELL STREET AND WHITFIELD AVENUE ALSO KNOWN AS "MONTGOMERY BOAT RAMP" ORDINANCE.**

Commissioner Rayno said, I would just would anybody be opposed to raising the fine from \$300 across the board to \$500 because already in the case of this Montgomery Boat Ramp we've already arrested somebody for dumping? Chairman Hair asked, is that --, what is it in this ordinance? I've forgotten. Commissioner Murray said, it's just a --. County Attorney Hart said, \$300. Commissioner Rayno said, since the last meeting we've already arrested somebody. Chairman Hair said, well, what you're going to have to do if you do that, you're going to have to go back to the first reading again. You'd have to really --, which is fine. I'm just saying it would not go to second reading next time. If you want to do that, we could set the fee and raise it to \$500. Commissioner Rayno said, let's let it go forward then and we --. Chairman Hair said, and then you can amend it later, okay.

County Attorney Hart said, well, one thing y'all need to remember about these fines is that we are limited to \$500. Chairman Hair said, right. County Attorney Hart said, I mean all fines in general.

Commissioner Murray asked, that could not be changed now on the first reading? County Attorney Hart said, you could try to amend that on first reading. Commissioner Murray asked, couldn't it be amended now to \$500 on this first reading? County Attorney Hart said, yes. Well, I --.

Commissioner Rayno said, and then we could go to second reading. I don't want to delay --.

Commissioner Murray asked, do you want to wait until the next meeting --. County Attorney Hart said, I need to think about that one.

Chairman Hair said, I think it would have to --, since this was published I don't believe you could amend it on first reading. I think you're going to have to take it back --. County Attorney Hart said, fine --, it's a fine amount so I think you've got to --.

Commissioner Murray asked, can we say that we want to amend it to \$500 if your research shows that we can do it at the first reading. Commissioner Rivers said, so moved. Chairman Hair said, that's fine. Otherwise, it will come back to first reading. Commissioner Rivers said, so moved. Commissioner Rayno said, second. Chairman Hair said, motion and second. All those in favor vote yes, opposed vote no. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

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

Commissioner Rivers moved that the fine amount in the Montgomery Boat Ramp Ordinance be changed from \$300 to \$500 if the County Attorney's research shows that the amount can be changed on first reading. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**XII. SECOND READINGS**

**1. AN AMENDMENT TO SECTION 601. STREET, SUBSECTION P. SIDEWALKS, OF THE CHATHAM COUNTY SUBDIVISION REGULATIONS TO REQUIRE SIDEWALKS ON ALL STREETS WITHIN NEW SUBDIVISION. THE MPC RECOMMENDED APPROVAL.  
MPC FILE NO. Z-001127-52232-1  
[NO DISTRICT/TEXT AMENDMENT/UNINCORPORATED AREA.]**

Chairman Hair recognized Mr. Bill Saxman.

Mr. Saxman said, basically this is an amendment the Planning Commission has been debating sidewalks for a number of years. This would delete –.

Commissioner Murray said, I move for approval. Commissioner Odell said, second. Chairman Hair said, motion and second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, thank you, Mr. Saxman. That saved you some work.

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve an amendment to Section 6.01, Street, Subsection P, Sidewalks, of the Chatham County Subdivision Regulations to require sidewalks on all streets within new subdivisions. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**XIII. INFORMATION CALENDAR**

- 1. **PROGRESS REPORT ON GENERAL FUND CONTINGENCY ACCOUNT - M&O AND THE SPECIAL SERVICE DISTRICT (SEE ATTACHED).**

**ACTION OF THE BOARD:**

Written report received as information.

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- 2. **LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED). Note: None for April 27, 2001, agenda.**

**ACTION OF THE BOARD:**

None were on the agenda for April 27, 2001.

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- 3. **ROADS 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 Kicklighter and unanimously approved, the Board recessed at 11:40 a.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 12:10 p.m.

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**ITEMS FROM EXECUTIVE SESSION**

1. **APPROVAL OF SETTLEMENT OF CLAIM FOR ACCIDENT INVOLVING MR. JEREMY BROOKS (JON HART).**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve settlement of a claim for an accident involving Mr. Jeremy Brooks in the amount of \$11,672.36 and obtain a complete release. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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2. **APPROVAL OF SETTLEMENT OF HENDERSON SIMS WORKERS' COMPENSATION CLAIM (JON HART).**

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve settlement of the Workers' Compensation claim of Henderson Sims in the total amount of \$110,000 with \$5,000 being paid by Chatham County. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Odell recused himself from discussion and vote on this item because of a conflict of interest; Commissioner Jackel was not present.]

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3. **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 Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**APPOINTMENTS**

1. **ZONING BOARD OF APPEALS**

**ACTION OF THE BOARD:**

Commissioner Murray moved to appoint Mr. Robert B. Sharpe to the Zoning Board of Appeals to a term which will expire August 1, 2004. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

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**ADJOURNMENT**

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 12:12 p.m.

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APPROVED: THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001

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

\_\_\_\_\_  
SYBIL E. TILLMAN, COUNTY CLERK