

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, MAY 11, 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, May 11, 2001.

=====

II. INVOCATION

Commissioner Kicklighter introduced The Reverend John C. Smith, Pastor of Port Wentworth Alliance Church, who gave the invocation.

=====

III. PLEDGE OF ALLEGIANCE

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

=====

IV. ROLL CALL

The Clerk called the roll.

PRESENT:	Dr. Billy B. Hair, Chairman Dr. Priscilla D. Thomas, Vice Chairman, District Eight Frank G. Murray, Chairman Pro Tem, District Four Jeffrey D. Rayno, District One Joe Murray Rivers, District Two Martin S. Jackel, District Three Harris Odell, Jr., District Five (Arrived approximately 9:12 a.m.) David M. Gellatly, District Six B. Dean Kicklighter, District Seven
----------	--

IN ATTENDANCE:	R. E. Abolt, County Manager R. Jonathan Hart, County Attorney Sybil E. Tillman, County Clerk
----------------	--

=====

YOUTH COMMISSIONERS

Chairman Hair said, I'd like to introduce our Youth Commissioners who are with us today. We have Eric Brown, who is a Senior at Benedictine, and we have Lydia Williams, who is a Senior at Savannah Christian, and in just a few minutes, she's going to be a little bit late, we'll have Brianne Draffin, who is a co-Chair, and she's a Senior at St. Andrews. [NOTE: Ms. Draffin was unable to attend the meeting.] Chairman Hair said, as we go through deliberations, if you'd like to ask any questions or make any comment, raise your hand and I'll recognize you.

=====

ORDER OF BUSINESS

Chairman Hair said, I'm going to ask for unanimous consent to change the proclamation business slightly and do the video after we do the proclamations. Does anybody object to that? [NOTE: No objections were given.] Chairman Hair said, okay.

[NOTE: By consent of the Commission, the order of business was changed to present the proclamations in Items V-2, V-3 and V-4 before presentation of the video in Item V-1.

=====

V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. ALL-AMERICAN VIDEO EXPLAINING COMPETITION THAT WE WILL GO THROUGH IN SIX WEEKS IN ATLANTA.

[NOTE: This item was heard following the presentation of proclamations in Items V-2, V-3 and V-4.]

Chairman Hair said, we are now going to have the All-American Video explaining competition that we will go through for the All-American Community Award. Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen. Congratulations to you and the Mayors and Councils of every city within Chatham County. As you all know, Chatham County and this community has been designated as one of 30 finalists as an All-American Community. In 41 days we'll be in Atlanta competing. The competition was keen, the field was narrowed from 93 to 30 finalists. This is a great opportunity. It recognizes your accomplishments. The video you're about to see is a brief summary of what we expect in 41 days, particularly the award presentation. Go, John [Savage].

[NOTE: The members of the Board of Commissions viewed a video explaining the competition for the All-American City award.]

County Manager Abolt said, Mr. Chairman, the application is very specific on why you know and we know as a community that we're very special. The celebration of our diversity, which is represented each year, as recently as a few moments ago with the Scottish Heritage Commissioner Gellatly testified to, the largest Martin Luther King, Jr. Day Parade in the nation, the second largest St. Patrick's Day, the ethnic festivals that go on almost monthly throughout the year, a strong, strong partnership with the private sector in economic development, certainly the Chair has led that along with Mayors and SEDA over the --, many number of years, and then possibly one of our brightest jewels in our crown are members of the Youth Commission, and we will join with them and with as many of you as can in 41 days to have our picture in the next video shown about a year from now.

Chairman Hair said, I would also point out for the benefit of the audience primarily that in this process of being selected one of the 30 out of 92, that we beat out Atlanta and Charleston in our part of the country for this, and it is quite an award, and I've discussed --, we'll be inviting all of our Mayors from all the --, the entire Chatham County to go with us, but Mayor Adams, I discussed it with him this week, he's going to change his schedule to make sure he's there with us as well to help us with the presentation, so this is quite a community effort and I appreciate the work that everybody's put in on this, and I think it will be quite an honor if we are selected. The next item is related to that [Item VI-1].

=====

2. PROCLAMATION FOR SAFE BOATING WEEK - COMMANDER DAVID SAPP WILL ACCEPT.

Chairman Hair said, the first thing we'll do is to do a proclamation for Safe Boating Week and Commander David Sapp is going to accept this. Chairman Hair read the following proclamation into the record:

WHEREAS, Chatham County area residents are increasingly heading to the water for recreation and relaxation as the opportunities for on-the-water activities grow each year on our unsurpassed local natural resources; and

WHEREAS, it is essential that both novice and experienced boaters practice safe boating habits, such as wearing a life jacket; and to commemorate the annual Safe Boating Week, this year's theme, "Boat Smart From The Start, Wear Your Life Jacket," is to recognize that boating safety begins long before the boat leaves the dock; and

WHEREAS, in recognizing that hundreds of lives could be saved each year by the wearing of life jackets - and that life jackets of today are more comfortable; and the law requires that wearable life jackets be carried for each person on board the boat - and little effort is needed to wear those life jackets.

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby support the goals of the National Safe Boating Campaign, the Tybee Light Power Squadron, and the U.S. Coast Guard Auxiliary Flotilla 10-2, and proclaim May 19-25, 2001, as:

“NATIONAL SAFE BOATING WEEK”

in Chatham County and urge all citizens to support the start of the year-round effort to promote safe boating, and urge all those who boat to wear their life jackets and practice safe boating.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia, to be affixed this, the 11th day of May, 2001.

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

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

=====

3. PROCLAMATION FOR RELAY FOR LIFE WEEKEND - DEANA SHORES WILL ACCEPT.

Chairman Hair said, our next proclamation is for Relay For Life Weekend and Deana Shores is going to accept this. Chairman Hair then read the following proclamation into the record:

WHEREAS, cancer is the second leading cause of death in the United States; and

WHEREAS, one in every four deaths in the United States is from cancer; and

WHEREAS, an estimated 550,000 Americans are expected to die from cancer each year, more than 1,500 per day, and an estimated 1.2 million new cases of cancer will be diagnosed in Georgia in 2001; and

WHEREAS, the American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem; and

WHEREAS, the Southeast Division holds one of the top positions in the United States for the largest fund raising events for the American Cancer Society and hosts over 300 Relay For Life events, involving more than a quarter of a million volunteers in honoring cancer survivors, educating the general public about the importance of cancer prevention, detection, and raising funds in the fight against cancer; and

WHEREAS, Chatham County will hold its eighth annual Relay For Life involving over 4,000 volunteers and over 400 survivors the weekend of May 18th and 19th.

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim May 18th and 19th:

“RELAY FOR LIFE WEEKEND”

and urge all of our citizens to participate in this effort to eradicate cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer through research, education, advocacy, and service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia, to be affixed, this, the 11th day of May, 2001.

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

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

Ms. Shores said, I would just like to invite all of you to come out to the Relay Weekend at Benedictine Military School next weekend. Thank you very much. I have a few tokens of our appreciation that I'll leave back here.

=====

4. PROCLAMATION FOR SCOTTISH HERITAGE WEEK - REPRESENTATIVES WILL BE AVAILABLE TO ACCEPT.

Chairman Hair said, and our next proclamation is for Scottish Heritage Week. Would you join me up front? Chairman Hair said, I'm not going to read the entire proclamation. I read it at the ceremony early in the week, but I will read the last part. Chairman Hair then read into the record the "Now Therefore" paragraph of the following proclamation:

WHEREAS, one of the prime reasons for the establishment of the Georgia Colony was that it would serve as a buffer between Spanish Florida and the Carolinas; and

WHEREAS, James Oglethorpe, looking for a sturdy and resolute force to man the Florida frontier, sent his agents to the Scottish Highlands, where such people were to be found; and

WHEREAS, the result of his recruitment was the settlement in January 1736 of 177 men, women, and children from the Inverness Region, on the Altamaha River, where they called their town New Inverness (now Darien); and

WHEREAS, this original group was joined by ship loads of their countrymen and formed themselves into the Highland Company of Foote and the Highland Rangers to establish patrols and outposts against incursions from Florida; and

WHEREAS, these Scottish Highlanders became General Oglethorpe's most trusted followers and were with him on every important occasion - The Treaty of Coweta, Ft. Moosta, and the Battle of Bloody Marsh in July 1742 on St. Simons Island where, with elements of Oglethorpe's 42nd Regiment, they decimated the Spanish advance guard by pushing their main force back and eliminating Spanish claim to the South Atlantic coast forever.

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman of the Chatham County Board of Commissioners, do hereby recognize the heroic deeds of the people of New Inverness who, along with the thousands of Scots who came to this area and helped in settling our great state, am proud to declare the week of May 7 thru 12, 2001, as:

"SCOTTISH HERITAGE WEEK"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia, to be affixed, this, the 11th day of May, 2001.

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

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

Mr. Bob Lytle said, Dr. Hair and members of this Commission, I'm here today with the President of St. Andrews Society, Shelton Sanford. Of course I think you all know David Saussy, and my Vice President Moria Vejar. The games this year are 25 years old. This is our 25th anniversary. We started with some very humble beginnings with eight people at the Savannah Country Day and one tent, and I think we had one person, Gordon Varnedoe, throwing the caber. Today we have 8,000 people coming to our games, we have 27 venders, we have 54 planned tents. We're looking for a great day and hopefully the weather's going to be as good as it's been, especially for tomorrow. Once again I want to thank this Commission for allowing us here today and I have a bottle of --, special bottle of scotch for you. I know that --, I asked the Mayor for some to-go cups, but he wouldn't give them to me. Chairman Hair said, you can do that in the unincorporated area. Mr. Lytle said, and we have some tickets for you too, so thank you very much.

Chairman Hair said, I'm going to call on Commissioner Gellatly.

Commissioner Gellatly said, a lot of people don't know this, but I'm a first generation Scotsman myself. My father was born in Dundee, Scotland, so I've attended the games and I would encourage everybody if you want to see some real athletes and some real gifted dancers and musicians, you should really be sure to attend those games because it's worth your while.

Mr. Lytle said, thank you very much. Chairman Hair said, we appreciate what you do for our community. Thank you.

=====

VI. CHAIRMAN'S ITEMS**1. SELECTION AS FINALIST FOR ALL-AMERICA COMMUNITY AWARD. COMPETITION WILL BE IN ATLANTA FROM THURSDAY, THE 21ST OF JUNE, THROUGH SATURDAY, THE 23RD. LET'S LOOK AT RESCHEDULING THE 22ND OF JUNE REGULAR COMMISSION MEETING TO THE 29TH OF JUNE, THE FOLLOWING FRIDAY.**

Chairman Hair said, as a result of us having to be in Atlanta for the present for the All-American Commission [sic], we need to move the June 22nd meeting to June 29th to accommodate that, and I'll entertain a motion to do that. Do we have a motion? Commissioner Thomas said, move for approval. Chairman Hair asked, second? Commissioner Gellatly said, second. Chairman Hair said, all those in favor vote –.

Commissioner Murray said, let me just make a comment. I mean, I'll vote for it because I think it's certainly necessary to do that, but at the last meeting I had asked for approval to have three unexcused meetings –, or excused meetings because I was going to Kuwait, and this will be the third meeting here, so I don't know if I need to have that amended after this or not to go with four in case we don't get back when we're scheduled to be back. That's my only question. I can support this. County Attorney Hart said, it probably wouldn't hurt, but, I mean, you're going to be on active duty military, so it's not like you have much choice about whether you can attend or not. Commissioner Murray said, I just want to make sure when I come back you don't say, well, you can't come to any more meetings.

Commissioner Rivers said, so moved that Commissioner Murray –. Commissioner Murray said, but that might not be all bad either.

Chairman Hair said, let's go ahead and vote on this. All those in favor vote yes, opposed vote no. The motion carried. Chairman Hair said, now I'll entertain a motion to excuse Commissioner Murray. Commissioner Rivers said, so move that we excuse Commissioner Murray for four meetings. Commissioner Thomas said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

- a. Commissioner Thomas made a motion to move the regular Commission meeting scheduled for June 22, 2001, to June 29, 2001. Commissioner Gellatly seconded the motion and it carried unanimously.
- b. Commissioner Rivers made a motion to allow Commissioner Murray to be absent from Commission meetings for four (4) consecutive meetings because of a military tour of duty to Kuwait. Commissioner Thomas seconded the motion and it carried unanimously.

=====

2. ATTORNEY HAROLD YELLIN TO SPEAK TO BOARD REGARDING PETITION OF SHEFTALL DEVELOPMENT CORPORATION.

Chairman Hair recognized Mr. Harold Yellin.

Mr. Yellin said, Chairman Hair and members of the Commission, for the record my name is Harold Yellin and I'm here today on behalf of the petitioner, Sheftall Development Corporation, and with me today is Mr. Benjamin Eichholz, who's a principal of petitioner, and also here today is Mr. Chuck Satchwill, who is a Project Manager for SCS Engineering. If I may give a very brief history, as I look at the Commission today there are three new members who were not here when we were last here in December, and I think a brief history might be in order. In May of 2000 Sheftall Development submitted building plans to the Chatham County Inspections Department. The plans were for a lot to be located at Sheftall Bluff, a subdivision formerly known as Weatherwood. In addition to the building plans we submitted, a letter was received from SCS Engineering, and I want to point out SCS Engineering is the same engineering firm that the County used in 1992 that recommended removal of certain houses, and they are now the same group that's saying let's return some of the property to productive use. So it's this same engineering firm. This firm also submitted certain recommendations and findings for the site. The Chatham County Inspections Department correctly told us that this matter must first be brought to this Commission. There is a code section, it's code section O.C.G.A. 8-6-4, which very specifically says before you build on a landfill you must come back to the governing body and ask permission. It is an interesting ordinance. It does not say that you may not build on the landfill, it says that when you do you must come back to the municipality and ask permission. We were also before you December 15th of 2000 telling you the results of some of our testing. Without voting on our petition, the members who were present in December, and as I mentioned there are three new members now, but the nine of you in December of 2000 tabled our petition and said come back with some results, and that's exactly what we've done.

We have gone out, we have done new testing. The testing is pretty remarkable. Very encouraging. And rather than hearing test results from a lawyer, I will let you hear them from Chuck Satchwill from SCS Engineering. But before Mr. Satchwill shares these results with you, I would like to make three very quick points. They were the points made in December. They bear repeating right now. Point number one is that in 1992 several homes were removed because of high methane gas readings. No one denies that. That is an absolute truth; however, it is also true that virtually every home removed in 1992 was slab on grade construction, which means that the gas that was present could only go one place, from the ground up through the slab into the homes. The homes that were not built slab on grade are still there because the methane gas came up from the ground and dissipated into the air. It goes without saying that any home that will be built by the developer will be aboveground construction. And once again, out of an abundance of caution, I don't want anyone to think that there was not a problem in 1992. Clearly there was, but what we're saying is that the problem was a combination of debris, construction landfill debris and the construction that was there on the site, slab on grade. Point number two we'd like to make, it is a fact that methane gas is a natural byproduct when organic material decomposes, but it is also a fact that this degeneration decreases over time. I have been doing research. Mr. Satchwill is actually helping me try to understand methane gas. The bell curve looks like this [demonstrating]. When we were up at the top was 1992, methane gas at its highest levels. We are now on the back nine, methane gas is decreasing and it continues to decrease, and at some point, and this is in your discretion, it makes sense to take property that no longer has a methane gas problem and put it back into productive use. Please keep in mind, although it seems like yesterday, we're nine years later. And, lastly, there are opportunities to return this property to productive use. We estimate the value of the property to be approximately \$3 million that can be returned to the property tax roles. We know that it will not be easy, we know that it will take time, we know that it will be expensive for the developer, but it can be done. And then lastly, December 2000 we were asked about issues of liability. Will the County be liable? And the answer is, the County will not be liable for lots of reasons, but there's one primary reason. SCS has been doing this for 31 years. SCS is not a fly by night company, and they're the company that you chose in 1992 for apparently good reason, and we've chosen them now, nine years later, also for good reason. They're the best at what they do. This is the company that recommended removing houses nine years ago and a company that's saying now let's return property. Their E&O is \$10 million, their E&O policy. That's more than was spent by the County nine years ago. They stand behind their work, they're confident of their work. Mr. Satchwill will tell you this project can be done. So what are we asking for? We are asking for permission to build on these lots subject to building plans being submitted to Inspections, subject to foundation plans, subject to engineering plans all being submitted and approved by your Inspections Department. Inspections had already said, correctly, they can't even review our plans until you give them the go-ahead, and that's what we're looking for is the go-ahead. By voting today to give us the go-ahead, it does not automatically mean that we get to build houses. It means that we get to start the process of seeing if we can. It will see or give us the chance to see can we build this thing in total compliance with all the rules and regulations. In other words, we believe that if you approve this today, it is just the beginning for us. We would respectfully request approval, give us the opportunity to see if we can put these lots back into productive use, and I think at this time we'd all be best served by having an engineer explain to you the data, the new data between the last meeting and today. I'm going to pass out the -, I have them -, the monitoring inspection reports and call upon Mr. Satchwill to explain the testing that's been done.

Mr. Chuck Satchwill said, thank you, Harold [Yellin]. Good morning. Several Commissioners said, good morning. Mr. Satchwill said, I'm Chuck Satchwill, I'm with SCS Engineers out of Cincinnati, Ohio. Our firm has been in business, as Harold [Yellin] said, 31 years. We do many, many projects associated with landfill gas. We have over the 31 years we've been in business. We've done probably somewhere in the neighborhood of about 2,000 projects nationwide associated with landfill gas issues. When we were asked back in December to gather some additional information out at the Sheftall Bluff development, we contacted Whitaker Labs here locally to go out and actually do some bar punch testing on the site. What a bar punch test is is they take a steel rod, drive it into the ground approximately three feet, and then they monitor with a gas meter to see if there is gas present in that hole that they've driven in the ground. They did that on most of the lots that are potentially redevelopable out at Sheftall Bluff. The results that you're looking at there were quite different than what we found back in '92 and what we found back in '97. As you can see on the test results, most of the readings were zero. There were three readings that were -, that were showing some gas concentrations. Those are the three that are up in the northwest corner of the subdivision over the deepest part of the landfill. What this tells us is that the gas is definitely waning at Sheftall Bluff. We believe that the testing results have -, or the testing is the result of some of the weather conditions that we've been experiencing over the past few years. There's no -, certainly no guarantee that all of those readings will remain zero; however, we still believe that it is possible to redevelop Sheftall Bluff Subdivision given the correct criteria for development and construction of those homes. That would be cross-face, vented every six to eight feet along the foundation, there would be under-slab extraction systems, literally a vacuum system put under the slabs of the garages where you do have the slab on grade. Those are going to be vented to the air along side the building. Any rubble that is encountered during the construction of the foundation for the home would be removed and replaced with solid fill. Where possible, the gas cutoff trench that is now protecting the homes that remain in the old Weatherwood Subdivision would be relocated to protect the new homes equally [inaudible] from the landfill that's associated with the northwest corner of the site. Gas alarms would be placed in all of the homes that would be constructed and the buyers would be instructed in the operation and maintenance of those gas alarms. So given those conditions, we believe that it is quite safe and quite possible to redevelop portions of that subdivision and make it a viable part of the community again.

Commissioner Rayno asked, may I ask the engineer some questions, Dr. Hair? Chairman Hair said, Commissioner Odell first, Commissioner Rayno, I already had him down. Commissioner Odell and then Commissioner Rayno. Commissioner Odell said, I'll waive to Rayno, but I'll go after Rayno. Chairman Hair said, okay, Commissioner Rayno. Commissioner Rayno asked, what was dumped in the Weatherwood Subdivision? Mr. Satchwill said, it was a mixture of municipal solid waste, construction demolition debris. So it's a little bit of everything, mostly construction demolition debris. Commissioner Rayno said, and when you did the methane testing, your wells were dug to a depth of three feet, is that correct? Mr. Satchwill said, they're actually -, it's a hole that's a steel rod that is literally driven into the ground approximately three feet.

Commissioner Rayno said, about three feet. That's not the only method to detect for methane gas, is it? There's tracer methods and a few others? Mr. Satchwill said, sure. Commissioner Rayno asked, did you use any of those methods? Mr. Satchwill said, no, but we're looking for explosive gases and that is the standard of the industry. Commissioner Rayno asked, is your method the most reliable of all three methods? Mr. Satchwill said, for explosive gas location, yes. Commissioner Rayno asked, does methane gas get affected by barometric pressure? Mr. Satchwill said, yes, it does. Commissioner Rayno asked, and what happens when the barometric pressure increases? Mr. Satchwill said, the methane gas concentrations normally go down at the surface. Commissioner Rayno said, they go down, so they get pushed further into the ground, don't they? Mr. Satchwill said, that's correct. Commissioner Rayno asked, is it possible that at a depth of six to seven feet you might find methane gas if the barometric pressure's high? Mr. Satchwill said, it's possible, but normally gas will seek the path of least resistance and try to escape into the atmosphere so it's normally going to want to come up if it can. Commissioner Rayno asked, it's the nature of methane gas to mitigate sideways though, isn't it, to find the path of least resistance? Mr. Satchwill said, it certainly can do that, yes. Commissioner Rayno said, that kind of contradicts what you just said about it going up, didn't it? Mr. Satchwill said, it will find a path of least resistance, whether it be laterally or horizontally or vertically. Commissioner Rayno asked, so chances are if we dug holes down 10 feet, say, in a 54-foot deep pit we might find methane levels higher than what you found? Mr. Satchwill said, very possible, very possible. Commissioner Rayno asked, but we didn't do that, did we? Mr. Satchwill said, no sir. Commissioner Rayno said, a more accurate reading might be taken over a course of time rather than one or two days, wouldn't it? Mr. Satchwill said, this was done over a two-day period. Commissioner Rayno said, a two day period, and if the barometric pressure was high, then that methane gas could come back. Mr. Satchwill said, it fluctuates slightly, but the barometric pressure doesn't have a lot of influence on the gas for concentrations. Commissioner Rayno said, I have a paper from the University of Edinboro and also from the Department of Energy that says that methane fluctuates are very hard to predict. Mr. Satchwill said, that's correct. Commissioner Rayno said, so some of the information you've given us today might be incorrect. Mr. Satchwill said, we're not saying that at this point in time there is no gas present on the site nor will there ever be gas always not present on the site. What I'm saying is that even if the gas is present on the site, there is a safe way to construct those homes and protect them from that gas. Commissioner Rayno asked, are there other gases in landfills that come out that might be harmful to humans? Mr. Satchwill said, I'm sure there are in some landfills, certainly depending on what is deposited –. Commissioner Rayno said, especially those that might come from construction materials. Are you familiar with chloroform? Mr. Satchwill said, sure. Commissioner Rayno asked, well, what's that come from? Mr. Satchwill said, that comes from various debris that are placed in landfills, sure. Commissioner Rayno asked, how about formaldehyde? Mr. Satchwill said, you could have all of those things. Commissioner Rayno asked, how about vinyl chloride? Mr. Satchwill said, certainly. Commissioner Rayno asked, did you test for any of those? Mr. Satchwill said, no sir. Commissioner Rayno asked, did you test for cancer registries to find out if anybody's gotten cancer since Weatherwood was there? Mr. Satchwill said, no sir, we were looking for explosive gas. Commissioner Rayno asked, have you checked for low birth rates? Mr. Satchwill said, no sir. Commissioner Rayno said, no, and you're wanting us today to approve something that's costing us in our long-term debt close to \$4 million. I think that's atrocious.

Chairman Hair said, Commissioner Odell, then Commissioner Murray and then Dr. Thomas. Commissioner Jackel said, I'd like to speak to it, too. Chairman Hair said, and then Commissioner Jackel.

Commissioner Odell said, sir, if we were to drill where you're standing now, is there a probability that we would also find methane? Methane is a –. Mr. Satchwill said, methane is very common in this part of the country because of the high ground watertable, the fact that you have a lot of organic material in the ground that generates methane gas. Yes, it's very possible that you would find gas here. Commissioner Odell said, okay, based on your knowledge and belief based upon what happened in 1992, is it a safe assumption that this Commission relied upon the engineer to make an engineering decision? Mr. Satchwill said, yes. Commissioner Odell said, and your's was the engineering firm that aided this Commission in making that decision. Mr. Satchwill said, that's correct. Commissioner Odell said, same firm nine years later, and incidentally methane tends to dissipate. Would you agree with that statement? Mr. Satchwill said, yes. Commissioner Odell said, you have looked at this based upon your expertise as an engineer and concluded that we need to take an additional step to see if this property can be used. Is that true? Mr. Satchwill said, that's correct. Commissioner Odell said, and just by way of information, anyone can be sued, and I think Harold [Yellin] said that –, can the Commission be sued? Absolutely, we can be sued, but if you look at your engineering firm making a decision and being liable for that decision and the developer –, the developer, the builder, the engineering firm would all come before the County. Is that a safe assumption, County Attorney? County Attorney Hart said, yes sir. Commissioner Odell said, okay. So to ask the question whether or not we can be sued, anyone who has \$99 can file a lawsuit. County Attorney Hart said, correct. Commissioner Odell said, but that in no way indicates that that person can be successful. County Attorney Hart said, correct. It depends on the merits of the case. Commissioner Odell said, absolutely. Now the standard here before us today is arbitrary and capricious, is that true? County Attorney Hart said, well, there's an issue about that. Commissioner Odell said, right, there's an issue. County Attorney Hart said, and the statute was passed in '81. It's a very clear statute. Basically, you know, from this Commission's standpoint I see it as a twofold situation. It's a policy decision of the Commission whether you want to have somebody build on a landfill or not, and the second is the question of the engineering principles involved of whether it can be done. Commissioner Odell said, right, but the real issue is one of safety, and that issue, would you agree, is best determined in that it's an engineering issue, always has been, by an engineer? Is that true? County Attorney Hart said, if the Commission decides that's the policy they wish to follow, yes, it comes down to whether engineeringly it can be done successfully and safely. Commissioner Odell said, and you've had an opportunity to look at the reports, have you not? County Attorney Hart said, yes sir. Commissioner Odell asked, is it –, am I correct in saying that any deeds to the property prior to the lots being sold, there must be a certification by an appropriate engineer as to whether or not the property can be built upon? County Attorney Hart said, we have registered that particular piece of property under this Landfill Act as being a landfill registered in the State. There are certain notification requirements that anyone selling that property would have to give a prospective buyer. Commissioner Odell

said, an engineering certificate –. County Attorney Hart said, one of those is the fact that it's on the landfill, and I'm sure that anybody doing a title search, you know, in preparation for a closing is going to also give that disclosure because it's going to have to be –, you know, you're going to have to have title insurance that you're going to have to make to a lender or an owner on the situation. Commissioner Odell said, yes, but I guess so that it's not lost, the answer to my question as to whether or not that would be an engineering certificate is yes, is that true? County Attorney Hart said, I'm not sure about that, Commissioner Odell. You could require that as a condition of, you know, granting the right to build on the landfill. You know, a letter from an engineer saying that in their professional opinion, you know, this designed foundation system, if built appropriately as defined, you know, meets the engineering requirements. Commissioner Odell asked, but wouldn't you agree, as our legal adviser, that it would be in our ultimate best interest if we would require an engineering certificate of each lot in particular? County Attorney Hart said, if the Commission exercised its discretion to grant permission to build on the landfill, then it would be my recommendation that there be a requirement conditioned on that granting of that discretion that some professional engineer render an opinion that the design standard used for that particular house and the construction means and method from an engineering standpoint would not pose a hazard to the general public or the occupant of the building. Commissioner Odell said, okay so –, and beyond that would the items also have to be disclosed in the deed of record? County Attorney Hart said, yes sir, it's my understanding that if it's registered –, if it's a registered landfill, now when you transfer title you have to make that disclosure, I would also expect that anybody that was going to sell someone a house just as a practical matter would probably want to make that disclosure in the deed for their own personal liability purposes, but I don't know that it would necessarily be a requirement of that. You can condition that also if you want to. Commissioner Odell said, you had an opportunity probably to look at this [inaudible]. County Attorney Hart said, yes sir. Commissioner Odell said, and based upon your review, am I safe in assuming that in 1992 the decision primarily was one of methane gas? County Attorney Hart said, I wasn't the County Attorney there and I –. Commissioner Odell said, I understand. County Attorney Hart said, that's my understanding, but I would defer to some of the members of the Commission who probably are more familiar and the County Manager in regard to that. They were –. Commissioner Odell said, Russ [Abolt].

County Manager Abolt said, with your permission. Commissioner Odell said, Russ [Abolt]. County Manager Abolt said, yes, the issue was methane. That was the most obvious problem. Slab on grade construction. There was subsidence, which meant that there were cavities created in this landfill. That's slab on grade, which as you –, is brittle. It would not give. There were situations where those slabs cracked, and the first sign of danger came from methane gas. Methane in a closed structure is very dangerous. That's why we had to evacuate in one case, force them. In other cases it was voluntary only after the County Commission in effect indicated they would shut the power off to the site. It is a policy decision before you. It also is one though that I think as you make that decision you should consider legislative intent. No County Commission, with few exceptions, can bind future County Commissions, but I will submit to you, number one, that SCS Engineering did serve the County Commission in 1992 very well. We had extensive conversation with Mr. Jim Walsh. I don't know whether he's still with the firm or not, but he was fairly far up the chain of command and was very impressive. There was never an issue of not being able to build over methane. The issue was to deal with a situation that the County Commission back then could have, if they wished, chose to ignore. They did not. They said no one else will deal with problems that are too convoluted and too involved from the standpoint of both private and public responsibility, including the State of Georgia. Some of the waste out there came from a road project not that far away, but the long and the short of it were nine people, some of which are with you today, that said when no one else will listen to these people in need, we will listen. That's why the \$4 million debt which we're now paying for from the standpoint of covering the buyout. Throughout that whole thing there was some discussion on reuse. I believe the taxpayers received about 25¢ on the dollar or less return on that investment, but there was always the legislative intent, and I believe in the hearts of everyone of those Commissioners, a firm decision not to allow development any further than it was going to be allowed based on safety issues. The County Commission then seated was not served as well by its outside legal counsel as it was by the engineers.

Commissioner Odell asked, Russ [Abolt], may I ask you a question along those lines? County Manager Abolt said, yes sir. Commissioner Odell asked, you're not telling this Commission that we're going to –, for a natural gas that dissipates, condemn a piece of property forever, that that was ever anyone's intent? That's not what you're saying is it? County Manager Abolt said, sir, I will say if you had those Commissioners before you, they would say it was their intent to not let development proceed on Weatherwood because of the stigma.

Commissioner Rivers said, I'll give him a reply to that. I was the deciding vote in doing what we –, purchasing it, and it was my intent, yes, at the time –. Commissioner Odell said, at the time. Commissioner Rivers said, that that –, that there was a situation there that I did not want to ever go through no more in life. It was a very –, the only reason we did that was because of the citizens that were involved. We went in there and we retrenched it, and that area should have been set aside for anything other than redevelopment in my opinion at that particular time.

Commissioner Odell said, Russ [Abolt], that's not true, it's not set aside that way in a deed is it? County Manager Abolt said, no sir, but the –, to finish the point I was making regarding, I believe, and I would never attempt to speak for anyone else besides myself, but I believe, as testified by Commissioner Rivers, legislative intent when the buyout occurred there would be no development ever. The County Commission then seated though, in my words, was not served well in one case by the outside legal counsel. I believe if you'd asked them then, and maybe even ask them now, it would have been their summary that they thought that there was prohibition from this, so this would not even be before you had the legislative intent of the County Commission been fairly administered, delivered, crafted in the art of legalese by the legal firm. Commissioner Odell said, Russ [Abolt], but all fairness, those were not local attorneys who did that work. We hired high-powered people out of Atlanta, who all-knowing, and they did not place it into the deed, so where we are now there's a possibility of that being done. Further, if we look at other projects in the City of Savannah where at one time it said it was

impossible for various reasons to build, wouldn't you agree that history has proven that there's no such thing regarding land as impossibility? County Manager Abolt said, yes sir. All I can say is, again, because I lived through it too, and that has no bearing on my discussion, my advise to you today, I did not disagree with SCS Engineering. From the beginning, even when we were going through the trauma nine or ten years ago, we understood the properties of methane, and, no, just like we have one of our parks built over a landfill, from an engineering standpoint, you get away from the slab on grade construction, you provide the venting, the lateral shifting of methane, it's okay. The issue here becomes legislative intent, and had the legislative intent of the County Commission then seated, you know, been carried through by the attorneys, this would not be an issue, but I will submit to you the testimony you're hearing today is not out of step with a policy decision you can make. And, yes, you can choose to allow the development to occur with all the safeguards. It's incumbent upon me in my very special relationship with you to let you know that several years ago this was an issue of such horror, this was not a -, this was on national television for weeks. Each member of the County Commission, from the Chairman through the entire Board, suffered, literally suffered through this, not as much as, but almost as much as the citizens out there. They made a courageous decision to spend money to buy these people out to let them put their lives back together. They were let down -, they, the County Commission was let down by the legal firm. Commissioner Odell said, and those were not local lawyers, again. Russ [Abolt], so there's no misunderstanding, we as a Commission legislative intent is not our guiding force, i.e., Metropolitan Planning, when the people from Metropolitan Planning were saying what is the legislative intent we said, no, we don't do that. So we could guess as to what someone else may have intended, but situations change and conditions change, and the problem was one of safety and this Commission, or that Commission, is to be commended, but it's an issue of safety. It's an issue that's best determined by engineers. In the absence of emotionalism because whether we choose to believe it or not, those people do not wish to increase taxes. Ultimately you're going to have to increase the tax base, and what I am saying is that if a piece of property can be made safe and can be inhabitable, then we have an obligation to look at that. I think the standard is one of we cannot be arbitrary and capricious. To me being arbitrary and capricious in essence says that we are making a political decision when it's one of engineering or one of medicine. We had problems [inaudible] our employees of having a disorder. The Commission did not make that decision. A physician made that decision. The same engineering firm that made the decision, or provided the info in '92 had come back with a different recommendation. Things change, methane dissipates. We've got \$3 million of property that can be put back on the tax roll. We can put all of the safeguard, the issue of whether or not we will be liable is not a realistic issue considering the fact that we would have the developer, the builder and the engineering firm coming before us, plus we have a different standard. Theirs is one of simple negligence. By being a governmental body, we have some immunity. But again, the issue is one of safety and -, I yield.

Chairman Hair said, okay. The order we're going to proceed is Commissioner Murray, Dr. Thomas, Commissioner Jackel, myself, and then Commissioner Rayno and Commissioner Gellatly after that. Okay, Commissioner Murray.

Commissioner Murray said, first of all, let me make a comment about immunity. Yes, we do have immunity from a lot of things, and I think we hide behind that as a government agency or government body more than we should be hiding behind it, and the citizens -, we are here to represent the citizens in this community. If the citizens have been done wrong, whether it be by the County or be by someone else, we are obligated in my opinion to try to correct those wrongs. So I don't agree with the immunity that we hide behind a number of times. The other thing is, yes, the engineer's correct. As a matter of fact, Weatherwood was in the Fourth District, which I represent, when this occurred, and they could have gone back in and bulldozed what was in there and with the proper engineering and with the proper construction, proper venting and everything, and I say proper construction loosely, they could have built homes back in there right on top of that landfill. Yes, we did spend an enormous sum of money with a high powered law firm out of Atlanta, and those of us -, you've heard from one Commissioner that went through it. I was another one. We have one more that went through it on this Commission. We all in my opinion thought that when the closing papers were written, it would have been put in there, it was supposed to have been put in, that there would be no construction ever on that landfill area where these houses and homes were removed from. I'm not saying you can't build in there, but that was the intent of the Commission at the time when that took place. I was out there numerous times along with the County Manager. I met with the citizens from that area. We went through a long dreary process to come to where we did to purchase that land. I think we spent an awful lot of money going through the legal side of it and also going through the part where we are still paying back now to have bought the citizens out of that property. The developer, or the firm that bought that from us, if I'm not mistaken, that area where the landfill was, where the homes sat over which we removed, was supposed to have been kept as green space and for recreation for the citizens in that subdivision and in the homes that were still there, and that was the intent of the Commission at the time. If I'm not mistaken, that property -, the County has had to go out and request and serve papers to have that property, the grass and stuff cut in there because the owner of that property is not taking care of it as he was supposed to with the original intent. If I had to go through a zoning process, if I had to go through something to go through a process like is being presented to us today, I would hire Mr. Yellin myself because I think he's one of the top around to do this; however, he knows that I'm opposed to it. He knows that I was opposed to it when it came up the first time, and I think if this Commission votes to approve this to go forward, we have made a drastic mistake, and I know that another Commission cannot bind a Commission over to the next one, but I can tell you right now that this is not the right process to go through. We should turn it down. He has an option. They can go to court over it, but if the judge rules in their favor based on all the circumstances, then let that take place, but we have a policy decision to make. The County Attorney's already told us that, the County Manager has spoken in depth about what's taken place. I am opposed to. Anybody who has gone through that process and saw it first hand I think would be opposed to it regardless of what the legal intent and all this other conversation is going to be about, and you're going to hear a lot of things come up today, but this is not a project that the County Commission should even be involved in right now. And my feeling is we should deny it. The other thing is that, yes, I think that the County Commission since we set those ordinances and we make the laws that we're governed by in the unincorporated area of Chatham County, yes, we should be able to interpret those ordinances also. Some think it should be left up to the MPC. That is not the case and that is not the intent, and we're shirking our responsibility if we think we're supposed to do it that

way. But I would say no this, I will vote no for it, and I just hope the five votes are there at least to say no. Go through the legal process if you want to develop the property.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. Much has been said in reference to this particular issue, and some of the things that I wanted to speak to have already been addressed, such as the legislative intent. During that time I can specifically recall that this was the intent of that present Commission. Weatherwood to me was a nightmare. It was a nightmare. I shall never forget it because we had a lot of deliberations, we had a lot of hearings, and we heard from those persons who were homeowners. One lady got so emotional she attacked me, and I never will forget that. I will never forget it, and I said then and I'm saying now that I feel that we should be very cautious about what we are doing. My question then, I think back in December or whenever this was brought before us, and my question still is now to Mr Sheftall or whomever wish to speak to this concerning liability. Are you willing to accept the liability that will go with this and not the County? Chairman Hair asked, does somebody want to answer that question? Mr. Benjamin Eichholz said, I will. Dr. Thomas, I could give you my opinion as a lawyer, but the short answer to your question is yes ma'am. I wouldn't be here and I wouldn't have pushed for this thing if I wasn't prepared to be responsible for my actions, and I think Mr. Odell probably did a better job than I could do of lining up the levels of protection that the County would have. I feel a strong feeling and opinion that the first person the liability would be the developer, and I'm prepared to stand the line with him, but the second person that we'll all then look to is the engineering firm that back in '92 suggested the course of action for the County. Mr. Satchwill's 31 year-old engineering firm that has a \$10 million errors and omission professional liability policy. So it's not just me saying I'm up at the podium, trust me, I'm sure things will be fine 15 years from now. It's the developer, it's the very, very, very capable, well recognized engineering firm from Cincinnati, Ohio, as well as you probably will have third party which would be the builder that will build the houses. In that same regard, I'll make it extremely clear, in the deed restriction you're talking about -. Commissioner Thomas said, yes. Mr. Eichholz said, number one, it's already of record. It's in the deed restriction that makes a purchaser aware that this was a previous landfill. Commissioner Thomas said, right. Exactly. Mr. Eichholz said, but every conveyance out, I bought all the other houses, the 22 houses that remained and the people had lived in very, very well since 1992, and when I resold each of those the restriction in that deed was placed in bold writing, and it would be on these lots too. So, yes ma'am, the answer to your question is I would absolutely continue to be responsible. Commissioner Thomas asked, and you would be willing to put that in writing as a matter of fact that would relieve the County of any responsibility as far as the liability is concerned? Mr. Eichholz said, yes ma'am. Commissioner Thomas said, because unless that happens, I cannot see myself voting for this because I do not want to go through what I went through before. The second question is what about homeowners insurance, will this be a problem? I mean, should we vote for that? Mr. Eichholz said, I can only -, that's a good question, and I can only cite to you that some of the Commissioners may not have been out there recently and may not be aware, but there are approximately 22 houses in the approximately 40-lot subdivision that have remained through this, that have been sold, that have been retrofitted, that I presume all have homeowners insurance. First of all, the lender would require it and, secondly, the homeowners themselves should have it, so there's been no problem at all getting insurance out there whatsoever. I have insurance myself on the property. I have a million dollar liability policy on it, and I've had it in effect since I purchased the property, so there's been no problem at all getting insurance and it would be obviously required by subsequent lenders of the property. Commissioner Thomas said, well, I personally would not want to restrict you from not, you know, being able to use the property, but I do have those concerns and I do hope that you understand my feelings about it, and I do not want to put that burden on the backs of the, you know, the people of Chatham County. Not again, not ever again. Mr. Eichholz said, nor do I and I've been here [inaudible] so I share your concern. Thank you.

Commissioner Rivers said, Mr. Chairman, may I ask him a question? Chairman Hair said, well, I'd prefer to stay in order if we can. Go ahead -, do you have a quick question? Commissioner Rivers said, I mean, I want in relation to what he's talking about. Chairman Hair said, all right, make it a quick question. I want to stay in order if I could. Commissioner Rivers said, when that property was purchased -. Mr. Eichholz said, yes sir. Commissioner Rivers said, by -, I don't remember the name, but -. Mr. Eichholz said, there was an intermediary that he was actually -, he actually was the purchaser. He decided he couldn't or didn't want to do it, and so I became one second after he took title the real purchaser. County Manager Abolt said, Mr. Mincey. Commissioner Rivers said, Mr. Mincey. Mr. Eichholz said, that's correct. Commissioner Rivers said, but I noticed that Mr. Mincey knew that what he was taking on and that property and what the intent of that property was because most of y'all were here when that property was purchased. Mr. Eichholz said, number one, I can tell you, you never saw me here because I wasn't involved at all. I only became involved probably within about two months of the actual closing, which was probably two years after the problem -, maybe a year or two after the problem. I can tell you if you were to ask me did I plan to wait a year or two and then try to sneak in and build houses, I will be honest with you and tell you, no, that wasn't my first choice. I really wanted to turn them into soccer fields, but it just never materialized. The dimensions actually weren't right for the teams that I coach, so it just -, we never really did that, number one, and, number two, it just came to my attention over the years that maybe the problem that existed in '92 didn't exist. That's why in '97 I contacted the same engineering firm to give it a shot, and that's why we're here today in 2001.

Chairman Hair said, Commissioner Jackel and then myself and then Commissioner Rayno and Commissioner Gellatly.

Commissioner Jackel said, I'd like to speak to the engineer please. I'm concerned about these testing holes that are only three feet deep. It seems to me that the footings for the houses would be at least that much if not more. Mr. Satchwill said, it's quite possible. Commissioner Jackel said, the other concern is that there is some large pool of, or whatever the term for it is, a large collection of methane gas somewhere under the ground that for some reason hasn't been able to rise up towards the surface, and just a three-foot hole might not detect that. Mr. Satchwill said, normally, and believe me this is -, this is standard of the industry, bar punching is done -, we probably across the United States worked with owners of,

you know, hundreds of actual municipal solid waste landfills. The monitoring is done around those landfills. Most usually it is bar punch monitoring. That is the same thing. You drive a hole three feet in the ground, and the reason for that is once you break the earth's crust, the surface, if there is gas present in that ground, regardless of what depth it might be, you're going to detect with the instrumentation that we use, it's very sensitive, you're going to detect the presence of methane gas within three feet of the surface of the ground. So you would probably find possibly higher concentrations deeper, but you would still find methane within three feet of the surface in most instances. Commissioner Jackel said, all right, but this —, this type of testing though is done for safety reasons around a dump. It's not for the purposes of building a home on the dump, or is it? Mr. Satchwill said, [no audible response given.] Commissioner Jackel said, okay. That is a concern of mine that it is only three feet. Now, what is the present trench showing around Weatherwood? Mr. Satchwill asked, please? Commissioner Jackel said, I mean, if you're getting zero readings on so many of these things where there's a present trench that's venting other houses, is it showing that there's any methane coming out of there? Mr. Satchwill said, there are no methane —, there are no positive readings at the trench. Commissioner Jackel said, no positive readings. Mr. Satchwill said, no. Commissioner Jackel said, because I have these concerns that better testing or testing, that we could possibly get sooner to looker over and mull over, I'm going to ask that this motion —, that this be tabled at this time. Commissioner Odell said, second.

Chairman Hair said, we've got a motion to table and second. It's not debatable. All those in favor of tabling vote yes, opposed vote no. Commissioner Jackel and Commissioner Odell voted in favor of the motion to table. Chairman Hair and Commissioners Rayno, Rivers, Gellatly, Kicklighter and Thomas voted in opposition. The motion to table **failed** by a vote of six to two. [NOTE: Commissioner Murray was not present.] Chairman Hair said, the motion fails to table.

Chairman Hair said, okay, I'm next. I'd just like to make a couple of points. First of all, I've heard a lot of discussion this morning about the intent ten years ago, nine years ago. I think that's a good point. I would hope that a Commission 20 years from now wouldn't necessarily be bound by the intent of this Commission. Situations change and what we face today wouldn't necessarily be what the Commission faces 20 years from now. So I think it's nice to talk about its intent, but I don't think it relates to this issue. I don't think it's relevant to this issue, and the second thing is I don't believe, I'm not a lawyer, but I don't believe that this Commission can legally prevent someone from using his property as long as that property owner meets the rules and regulations that exist. I don't think we have the legal power to deny this quite frankly. That's coming from a non-lawyer. The third thing is risk. I've been on the Commission almost five years. There's risk in every decision I make on this Commission, and if we're looking for decisions that have zero risk, we might as well resign because there —, you're not going to make any zero risk decisions. Sure there's risk in this decision. There's risk in every decision we make up here, but the question is, is it an acceptable risk? I think that the developer answered the questions of Dr. Thomas. I think Dr. Thomas asked a great question. Is there any liability to the County, and I think the answer to that is almost no, there is no liability. So I think that there's probably some minute risk here, but probably less risk in this decision than in most of the decisions we make up here, and the final point I would ask my fellow Commissioners to consider is this. I think we need to make an objective decision today based on the facts. And while I respect the emotion that Commissioner Murray went through and Commissioner Rivers and Commissioner Thomas and the County Manager, I have great respect for the emotion they went through and the turmoil and the trauma they went through. I do not believe that that should be wrapped in the decision we make today. I respect it, but we ought to make a decision today based on objectivity and on the facts, and I think that if we do that, then I think we'll vote to approve this. Commissioner Rayno and then Commissioner Gellatly and then Youth Commissioner Brown. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, here we had the engineer stand up in front of us. I asked him point blank questions, his testimony, he contradicted himself. We've got chemicals that have not even been tested for that could possibly be in that landfill because it was unguarded. A dry cleaners could have went in there and threw dry cleaning fluid in, they could have thrown construction materials that were containing chlordane, which was a popular herbicide back then that's no longer on the market because it causes birth defects, fertility problems in people, low birth rates in babies. All kinds of things could have been dropped in that dump, and they're trying to put a smokescreen on you people and say it's just methane gas we're worried about. There's no other chemicals in there. They didn't even test for it, and they want these people up here to forget about all that stuff and commit you to a future liability. You, the taxpayers, have already paid \$4 million. I get emotional. One baby gets hurt, one person dies of cancer, yes, I'm emotional. And to base it on money, I think that's just ridiculous. I'm voting no, and I make a motion that we deny this and forget about Weatherwood, put it behind us.

Chairman Hair said, we have a motion to deny. Do I have a second? Commissioner Murray said, I'll second it with the understanding we can finish the discussion. Chairman Hair asked, will you accept that as a second, Commissioner Rayno? Will you accept that as a second? Commissioner Rayno said, yes. Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, I have questions of the engineer. I have three rather straightforward questions. First of all, I listened very carefully when you started out your presentation and you made a comment that you had tested most of the developable lots. My question to you is which ones weren't tested and why? Mr. Satchwill said, well, there was only one that really wasn't tested, and it's a factor of not being able to determine exactly where each of the lot lines are out there because right now it's just an open field, and the testing firm that we engaged to do that, we asked them to test on each lot, and they just missed one because they really couldn't tell where the lot lines were. But it was —, it was just one lot and, you know, we tested on all three sides of that lot, so —. Commissioner Gellatly said, Commissioner Rayno had asked the question, and I'd like you to repeat the answer on it. If you were to test six feet down, ten feet down, I believe you alluded to the fact that it's quite possible that there would be or could be high levels of methane gas at those levels. If so, would they stay at that level or would they —, in your own statement you said they tend to follow the path of least resistance, and how long would it take before they came up aboveground and with what force? Mr. Satchwill said, well, a little background

maybe. Back in '92 when we originally started the process of looking at the Weatherwood Subdivision, the deeper testing that Mr. Rayno alluded to was done, and we did find methane down in the areas where the landfill is the deepest, but we found –. Commissioner Gellatly asked, at what levels? Mr. Satchwill said, concentrations similar to what's at the surface. No greater concentrations. It varied all over the place and as would be expected with an area that generates gas at different levels, depending on what was deposited there, but we could probably go out there today and drill holes, you know, if we drilled a hundred holes we would probably find at different –, a hundred different gas concentrations on that site at different levels. Some would be higher, some would be lower. It depends on what was deposited there, how much water is getting to it in order for that material to decay and generate the methane gas. So to say, you know, we could go out there and find areas where there is greater gas or less gas, certainly we would. There is nothing consistent about how the methane gas is generated across that site. So, there again, you know, the standards of the industry, when we're doing things like we're doing here, we're looking for explosive gases. When you're looking for explosive gases, normally you look within three feet of the surface of the ground and you will find it if it is present on that site, and that's pretty much what we did. We have found it in the past, we may find it in the future. What we're saying is we realize that there is the potential for that gas to be on that site. As long as these homes are built in accordance with our recommendations, even if there is gas found on that site and even if the gas concentrations do go up, they will still be safe. Commissioner Gellatly said, another question that Commissioner Rayno asked you was is it possible that there would be any other dangerous chemicals because of the various debris that were thrown away, and you indicated it's possible –. Mr. Satchwill said, certainly possible. Commissioner Gellatly asked, would the alarm systems that would be put in these homes –, I'd have to say as an aside, that's much of a selling point to have to have a gas alarm system in a home, but would these alarm systems detect other chemicals also? Mr. Satchwill said, no, they're specifically for the gases. Commissioner Gellatly said, okay. I would just –. That's all the questions I have of you, but I would just like to make a comment that I, too, as a County Commissioner would be concerned as to liability, but I also have another concern. I spent 40 years in a business in protecting life and property and those type of issues, and I really feel that the risk is much too high for that property to ever be developed, and I will never, ever vote for any type of development in that area.

Chairman Hair recognized Youth Commissioner Brown.

Youth Commissioner said, I have some questions for the engineer. I was wondering, is there any way that you can have the –, the methane gas can be like in one spot, like just compact –. Mr. Satchwill said, there could be pockets of gas out there, sure. Youth Commissioner Brown said, okay. Say, like you have somebody putting a basketball goal, and usually you have to dig down about five or six feet to put that in there, could that then seep out –. Mr. Satchwill said, it could. Youth Commissioner Brown said, and release in large numbers of methane gas? Mr. Satchwill said, the gas concentrations out there are at the levels though that if they're out in the open air, they're not at concentrations that are considered explosive. There's a lower explosive limit of gas. The concentration of methane gas has to be somewhere in the neighborhood of five percent in order to be explosive. Once it mixes with the open air it is very, very difficult to get those kinds of concentrations. Where the problem lies is when you confine that gas under a slab or in an enclosed space, it is allowed to build in concentration to the explosive levels, and that's when it's dangerous. In the open air you could go out there and dig holes all day long at Sheftall Bluff and there's really never any danger for an explosion because it's mixing with the rest of the air that's in the area. It's when you confine it into a smaller space you let it build up in concentration, and that's when it becomes dangerous. Youth Commissioner Brown asked, so what about when they're building the houses, is it possible that then it could be explosive? Mr. Satchwill said, we would be monitoring while they're under construction, horizontally. Youth Commissioner said, okay, and I heard you –, you said that on –, there is –, you said there is a possibility that deep down there could be methane gas in there and that it could rise to the top, so how could you call the land stable then? Mr. Satchwill said, there again, the concentrations even deep in the landfill are not such that they're of any concern. They're below the explosive gas limits. Youth Commissioner Brown said, but you said you did test them, you didn't do –. Mr. Satchwill said, we did back in '92, we did back in '97. We're assuming that they're the same, and we're –, you know, we're agreeing that there is gas on this site. There is methane gas on this site. What we're saying is, is that given the proper precautions it's still safe to build on the site, and this is something that, you know, SCS Engineers does for our clients all over the United States on a regular basis. We build, you know, commercial and industrial and residential facilities on top of old closed landfills on a regular basis. Youth Commissioner Brown said, I just feel like if you want to build there, it'd be safer and better for the people who are going to be living there that rather than assuming, that you should actually test deep down. Mr. Satchwill said, well, we have tested, we know what's there. Over the years. You know, we've known this since 1992. Youth Commissioner Brown said, but you said back in '97.

Chairman Hair said, okay, thank you. Do you have any other questions? Youth Commissioner said, no sir. Chairman Hair said, okay, thank you. Commissioner Murray, Commissioner Kicklighter, Commissioner Odell, Commissioner Jackel, and we do have a motion on the floor, and after that point I think we've probably pretty much talked it to death, and I'll –. Commissioner Rivers said, [inaudible]. Chairman Hair said, well, if he wants to go again okay. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I appreciate Commissioner Gellatly's comments a minute ago on his feelings and what is taking place and certainly he knows with the background he's been in for the last 40 years the health and safety and welfare of the citizens, I think he knows what needs to be done on that. Living in Chatham County in a coastal area where there's a lot of marsh grass, a lot of landfills that we still probably don't know are out there in certain areas that are undeveloped at this point, there's methane gas. You know, methane gas is not really the concerns that I have right now about this property, even though it is still a concern, but mine is the policy decision that this Commission will be making. Once this vote is taken, if the votes are to approve this, then that means to me that we have set a precedent and any landfill in Chatham County that somebody wants to come in and clear the land and go through the venting process and the proper construction engineering, would then be allowed to build on that property. Again, I'm not an attorney. Mr. Yellin and Mr.

Hart are the two involved in this even though we have two sitting on the Commission with us, but I still am opposed to the construction in there because, not from an emotional standpoint. Yes, it was emotional going through it, but the from standpoint the intent at that time was to do what we are trying to do now and not build on that property. I do know the developer has stood up here and told you all that he knew nothing about any of this, and I disagree with him. If I'm not mistaken, he was the legal counsel for the person that originally was going to purchase this property from us and then for some unforeseen way decides —, he ends up with it. I feel like personally that the intent was always there to eventually come back and build on it regardless of what he's going to stand up there and tell us, and that's an issue that we'll just disagree on if we have to. I see he's talking to his attorney at the time, but that's okay. If, in fact, we approve this, then why don't we go ahead since we have methane problems down at Charlie Brooks Park and sell that land to a developer and then let them develop that with the proper construction so we can bring more revenue into this County, and why don't we go to another recreation facility we have and do the same thing there. You know, this is ridiculous. The last time y'all came up I told you I was appalled at the fact you did that. I knew you were coming back. I will not vote to table it, I will vote to deny it, and the vote's coming up shortly, and I hope that five votes —, at least five votes are there to do this. It's not a process that I think we'd go through the same thing again with that land. It's what we told the citizens in this community at the time that we were going through that process and even though some did not want us going in with tax dollars to purchase that land, we did it anyway and told them that that land would never be built on again. It was going to be used for recreation. You had stated a minute ago that you were going to use it for soccer fields, but I don't think any recreation has ever been done out there or anything planned for recreation out there. As a matter of fact, you've had a hard enough time trying to keep it mowed and cut where it looks decent. So, you know, how we can take your word for it when you stand up before us and say you're going to do these things, and from the legal side, yes, maybe on paper we aren't liable, maybe we wouldn't be brought into a law suit. We weren't supposed to be brought into the last law suit, but we were and we ended up buying the property. So, again, I would hope that we have the votes to deny it.

Chairman Hair said, Commissioner Kicklighter —. Mr. Eichholz, certainly.

Mr. Eichholz asked, could I just respond to that one thing because I think it's an important question. How can you count on me? I was the purchaser of the 22 houses from the County by deed, and there were very clear restrictions. I was to install a trench, it was installed perfectly with approval. I was to install —, retrofit all 22 homes. I retrofitted every 22 homes. I was to put a deed restriction in the deed, I did that. All those homes have been sold. I purchased them from the County at an absurdly low price and have sold those houses at a —, back then it was a pretty good price. The market value has virtually doubled since then. We have 22 homes at an average of about \$130,000 presently on the tax rolls because of what I did. Now I could have sat back and not done anything or nobody could have purchased the property and it would have been terrible out there, but I've been proactive and I've been very, very conscientious in my obligations on the 22 homes, so —. Commissioner Murray asked, what about the cleared land that's out there that was supposed to be recreation. Mr. Eichholz said, it was not —, the only thing I can tell you about supposed to be recreational is when you go —, when you buy property, and I've bought property, and you go to a closing and you read the closing documents, and whoever called them a high powered law firm from Atlanta is right, the closing documents were that thick [indicating]. Commissioner Murray said, I know, we paid the bills. Mr. Eichholz said, ironically my original lawyer before you was Mr. Hart and I've had Mr. Hart, I've had Mr. Yellin and I've had another one or two lawyers as well as myself look through documents that thick [indicating] that, you're right, y'all paid a lot of money for, to see maybe I missed something. I never —, I never was told. Nobody ever told me. It's not written in the deed and I'm afraid you just can't rely on, well, we thought that we made it clear, or nine years ago it was supposed to have been done. This wasn't done by somebody —, a local lawyer or any other lawyer with no real estate experience to real quickly get it done, that we hired —. Commissioner Murray said, if you'd been listening you would have realized that I said you and I will always disagree on this, okay. Mr. Eichholz said, no, I don't have a problem with it —. Commissioner Murray said, and I still disagree and you're going to disagree with me. Mr. Eichholz said, no, but I respectfully understand that we disagree. I just —. Commissioner Murray said, well, I'm sorry, but I'm getting ready not to be respectfully, okay. Mr. Eichholz said, well, I'll be respectful, but my point is I just wanted to let you know that I have done —. Commissioner Murray said, you've let me know, I listened to what you had to say, now let the rest of them speak.

Chairman Hair recognized Commissioner Odell. Commissioner Kicklighter said, did y'all skip me, Mr. Chairman. Chairman Hair said, no. I'm sorry, Commissioner Kicklighter. You were —, I'd already marked you off. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I'd just like to ask the Commission that if you can't find it in your heart to deny this because of the previous Commission's intent, look at a few simple facts in this case. One just simple fact is we really, no matter how many studies we have, we don't know what's going to happen in the future because the fact is this thing is being requested to be built on top of a dump, so there's no way to know what's going to happen in the future there. Another fact is, is that during the studies here they only drilled three feet deep. Another fact here is that the taxpayers bailed out this area once in the past. Another simple fact, very simple to vote no on is very simply the taxpayers do not even need a chance whatsoever to have to bail this thing out again in the future, so I just ask you to vote no on this request. Let's not put the taxpayers even remotely at risk in the future here. So please do, and I'm ready to move on this vote.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I wanted to —, Dean [Kicklighter], after hearing you say that it kind of reminded me of what Nancy Reagan said, just say no to drugs. Commissioner Murray said, she has. Commissioner Odell said, and she did, and I appreciate that, but the issues that are before us are whether or not our actions are arbitrary and capricious. Arbitrary and capricious to me means that we do that which is not logical, and my friend and colleague, Mr. Rayno, who's talking to Martin Jackel at this time, has indicated that there could be all kinds of things on the property. Could be. Now that is fiction, that's

not fact. There is no information of that or evidence before you to support that. It could be Martians there, but there's no evidence that there are Martians living three feet below. The end result is that you have no evidence that there is anything there other than what their engineer has said. I would hope that when we make decisions, and this property is ultimately going to be used and the reason it's ultimately going to be used because a court does not have to stand up and play to an audience and say all of those cute emotional things as if they're the only people who care about people. You're not, and as to my colleague David Gellatly, I respect the fact that he's a police officer. I don't subscribe to the fact that he's an engineer. He's not the only person working in Chatham County to save —, to provide safety. He was Chief of Police. I appreciate that, but that gives him no special expertise in this area. The only person who has expertise that we have seen has been the engineer, and I hope that we have an equal standard, and that equal standard is what we do here regarding this property, if that is not our intent, I would ask then that we look at every piece of property here in Chatham County and that we make a determination that each piece of property was not built upon a landfill. Then we can have that cleaner and holier than thou attitude, but otherwise we're acting upon fiction not fact, our actions are capricious and arbitrary, and we're not setting a standard, and the property will ultimately be used. It will ultimately be used because no Commission can say what will happen 20 years from now, no Commission will say what will happen 15 years from now. The end result, if you look at a vast majority of the property in Chatham County, at some point there was a decision made by someone that the property could not be developed. Later those decisions were changed. Fort Jackson is a classical example. There are many others: Rousakis Plaza, our wonderful Trade Center. It was believed that we did not have the technology to make that road more than a swamp, but technology proved us wrong. The end result is those people who claim that they do the will of the public do not make the decisions. They force others to go to court so that they don't have to make the hard decision. That's one, and two is the property should be used to its highest and best use, and ultimately that's going to happen. And, three, I don't think there's the votes there to do this, and that's unfortunate, but you only need one vote in court, and that's the vote of the judge. I hope that we publicize this with the same level of aggrandizement that we've seen here this morning and we let the people know that rather than I making a logical, rational decision, that we relied upon emotion and fear and we failed to do what the courts compelled us to do. How much would that cost us to do that? There's no savings there. I know how I'll vote. I wasn't here nine years ago, but if I was here nine years ago on the Commission, I'd have done exactly what Frank Murray did, I'd have done exactly what Joe Murray Rivers did, I'd have done exactly what Dr. Thomas did. You all did the right thing, but it's not 1992, it's 2001. Thank you. Commissioner Murray said, just to clarify one thing. It's not a hard [inaudible].

Chairman Hair said, before I recognize Commissioner Jackel, I want to say, I mean, I think we have talked it to death. I'm going to recognize Commissioner —, everybody's talked two or three times. Commissioner Jackel, Commissioner Rivers and then we'll —, let's take a vote after that. Commissioner Jackel and then Commissioner Rivers.

Commissioner Jackel said, this is —, this is a hard vote and there has been very good arguments on both sides of this issue, and I forgot to say one thing last time. I want to make, just to clear up —. I, of course, know Mr. Eichholz and Mr. Yellin and have discussed this with Mr. Eichholz, and we even discussed it over lunch, as I meet with any constituent that wants to talk with me. Some of my fellow Commissioners, who apparently are going to vote against this, have a very good argument, and that's the safety of potential buyers and somewhat the question of liability, but I really thing it —, what they're talking about is the safety of future buyers. On the other hand, the argument appears to me to be someone that owns property within reasonable limits should have the right to develop that property, and then Commissioner Gellatly made an excellent point, he says it seems to me a monitor in the house of methane gas is a very big disincentive for someone to buy the property. Well, I don't think it's just that. I think they will find if someone goes to buy the property and they can fly in from out of state and maybe purchase it overnight, but I think that's somewhat unlikely. If they talk to anybody or any realtor, they're going to tell them that's the place that had methane problems. They're going to be aware of a monitor when they go in the house. When the deed's checked, there's going to be a disclosure that this house and area's had problems. Now the question is do we, as the Commission, tell those people you can't buy that house? Do we have that right? How far do we go? We put warnings, there's a monitor there. If someone decides this is where I want to live for whatever reasons, I'm not concerned about the health problems, I'm not concerned about arsenic in my water, as some of us have read in the paper. There's so many other things that some people aren't concerned about and others are. Some people say you don't have any choice, you drink your water and if there's arsenic in it, you've got problems. Of course, you can buy bottled water, I guess. You don't have to buy one of these houses. I don't think they're going to be out there holding guns to anyone's heads saying you've got to buy this house. You'd be warned, so in this country if you property within the reasonable regulations of government, you ought to be able to develop it, and then you're free to buy it or not buy it or buy somewhere else. I mean, every house has got its problems. I live in an old house downtown and I don't know what chemicals are in there or what —, but we, you know, live there. I mean, nothing's totally safe and the question now comes down to are we going to restrict these people from their choice? It's not going to be an unknowing one because there's enough warnings out there for anyone who purchases this thing to know what potential risk may be there. Do we as a governmental body substitute our judgment or some potential buyer, and I don't think it's right for us to do that.

Chairman Hair said, Commissioner Rivers and then we're going to take a vote.

Commissioner Rivers said, I'm going to call the question.

Chairman Hair said, call the question. All those in favor of denial vote yes, opposed to denial vote no. Commissioners Rayno, Rivers, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioners Jackel and Odell voted in opposition. The motion to deny carried by a vote of six to three. Chairman Hair said, the motion to deny passes.

ACTION OF THE BOARD:

Commissioner Rayno made a motion to **deny** the petition of Sheftall Development Company to present plans to build lands formerly known as Weatherwood Subdivision. Commissioner Murray seconded the motion. Commissioners Rayno, Rivers, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioners Jackel and Odell voted in opposition. The motion to deny carried by a vote of six to three.

=====

3. LIQUOR LICENSE APPLICATION - ALKO DISTRIBUTORS.

Chairman Hair said, I'm going to ask Mr. Anderson to present the case and I think Mr. Kooden also -. The reason I put this on the agenda, I have looked at the facts in this case and I think that there's ample -, in my opinion, there's ample evidence to waive the late fee. We'll hear both sides and everyone can make their own choice, but I certainly think we should waive. Mr. Anderson and then Mr. Kooden.

Mr. Gregori Anderson said, good morning, Commissioners. This is a request to waiver the penalty, late penalties for alcohol beverage license, and these are two separate licenses. One is for Alko Distributors and one's for United Distributors. They just happen to be in the same location. The County ordinance requires that renewals be resubmitted back to the Inspections Department by January 31st. The renewals are sent out the first week in December to all license carriers. They're required to submit that back to us by the 31st without a penalty. So we have certainly a number of different accounts of what happened, and those kinds of things. What I submit to you this morning is that the payment was not received by my department until last week, and based on that evidence that the late fee is payable and due at this time.

Chairman Hair said, Commissioner Odell has a question. Mr. Anderson asked, yes sir?

Commissioner Odell said, I've read the staff report and ultimately I'm going to move that we waive the late fee. I'll make the motion at the proper time. Commissioner Jackel said, I'll second. Commissioner Odell said, I'll move -.

Chairman Hair said, we have a motion to -. Commissioner Rayno said, I'd like to -. Chairman Hair said, we'll have discussion. We have a motion to waive the fee and a second to waive the fee. We'll have all discussion. Anybody can -. Mr. Kooden, I'm going to recognize Mr. Kooden.

Mr. Lewis Kooden said, yes, basically Alko and United have been in business for 56 years and we have never been late on any penalty [sic]. We wrote a letter, which you all have a copy of. I hope you've read it. I'm not particularly going to use any name calling or put blame on individuals either at your company or our company, but I think this was a complete misunderstanding that started back in February, and I just would appreciate you waiving this penalty. I'll answer any questions you have.

Chairman Hair asked, Commissioner Rayno, you had a question?

Commissioner Rayno said, yes, it was just in that letter that you sent, I appreciate the fact that you said you would only have to talk to Ms. Kimmer on this matter. We're told all the time by staff that we have cross-training, and here's a situation where they can only talk to one person. Oh, we have cross-training in our office, but if that person's not there, the whole office falls apart. So that means somebody in staff is not telling us the truth about that. There's not cross-training apparently, and there needs to be cross-training so this doesn't happen, and that's why I'm approving the waiver.

Mr. Kooden said, Commissioner Rayno, I served with MPC and Savannah Economic Development, and I know exactly what you're talking about. Commissioner Rayno asked, you get a runaround don't you? Mr. Kooden said, a lot of times.

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, I'm going to vote for the waiver also only because I'm familiar with this gentleman and his business and he's always abided by the law.

Chairman Hair said, if in 56 years this man has never been late, I find it hard to believe that he'd be late one time if something wasn't confused and at issue. That's -, I just think it's clear that this fee needs to be waived, and I don't -. Does anybody -. We have a motion and a second. Commissioner Rivers said, call the question. Chairman Hair said, call the question. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, it's unanimous, Mr. Kooden. Thank you very much for coming today. Mr. Kooden said, thank you. Thank you so much.

ACTION OF THE BOARD:

Commissioner Odell moved to waive the late penalty fee for renewal of an alcohol beverage license by Lewis A. Kooden, d/b/a Alko Distributors and United Distributors. Commissioner Jackel seconded the motion and it carried unanimously.

=====

VII. COMMISSIONERS' ITEMS

- 1. PROPOSE AN ANNUAL AWARD TO RECOGNIZE A COUNTY EMPLOYEE WHO HAS CONTRIBUTED TIME AND SERVICES TO BENEFIT THE YOUTH OF CHATHAM COUNTY. THE AWARD WOULD BE IN MEMORY OF TISHA ABOLT, OUR COUNTY MANAGER'S DAUGHTER, AND BE PRESENTED AT A COMMISSION MEETING AND AGAIN AT THE EMPLOYEE RECOGNITION PROGRAM (COMMISSIONER JACKEL).**

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, this is an emotional thing. I think most of us --, Mr. and Mrs. Abolt suffered a terrible loss, one we could never imagine, and I'd like to memorialize that in having an award for what she cared the most about is the young people, and we have many County employees that spend a great deal of their free time working with the youth of our community. We don't have anything that recognizes that effort, and there's two things when we recognize that effort. One, we recognize it for the job well done and, two, maybe we inspire others to get out there and help work with the youth of our community. So it is my hope that we will have an annual award for the County employee who has contributed his time or time and services to benefit the youth of Chatham County, and this award be in the memory of Tisha Abolt, and that this award be presented at a Commission meeting and again at the annual employees recognition program. I want this award to be two phases. I would like this award to be a plaque that we keep hopefully somewhere in this room or some appropriate place where each year we would put the name of the winner on that plaque and then the other one be a plaque that the person could receive and take home.

Chairman Hair said, Commissioner Jackel, I first --, I commend you for bringing this idea. I think it's an absolutely wonderful idea and I certainly can support it wholeheartedly. Commissioner Odell has a comment and Dr. Thomas.

Commissioner Odell said, yes, I --, just two things. One is my daughter is graduating from college this Saturday and I'm extremely pleased about that. I remember the tragedy and every time I think about it, every time I look at my daughter, I shudder to think. I think this is an excellent idea. I would like to see --, and a person who doesn't always get the credit that she deserves, our Vice Chair, who has done so much with the Youth Commission, I'd like to see Dr. Thomas totally involved in this if we were to appoint a subcommittee.

Commissioner Jackel said, we're going to need to appoint some committee to accept the applications and review them, and I think we ought to possibly announce the first three place people, but only the top one would get the award and their name on the plaque.

Chairman Hair said, what we need to do --, Dr. Thomas, I'll be glad to work with you on this, I think --, I agree with Commissioner Odell, you certainly need to head it up, and I would support that a hundred percent, but probably take Commissioner Jackel's idea, put, you know, put the specifics to it and then just submit it back to us. I don't think --, certainly no one's going to object to this, and I will recognize you now, Dr. Thomas.

Dr. Thomas said, I'll be glad to do that. I think that it's appropriate to do so.

Chairman Hair said, let's go ahead and take the motion to officially --. Commissioner Jackel said, I move that we do this. Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes, and we will proceed along those --. Again, Commissioner Jackel, I commend you.

ACTION OF THE BOARD:

Commissioner Jackel moved that the County present an annual award in memory of Tisha Abolt to recognize a County employee who has contributed their time and services to benefit the youth of Chatham County. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

=====

- 2. SUPPORT OF A RESOLUTION ASKING KEN JAYROE FOR HIS RESIGNATION FROM THE BOA (COMMISSIONER RAYNO).**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you, Chairman Hair. We have a situation in West Chatham County that I think parallels what happened on Skidaway Island back in the 1970's where property values for certain corporations had artificially low and come the time when they want to sell it, their property value zooms up. I think back in the 70's property value was running about 30-something an acre and when it came time to sell it to the State, to the Skidaway Island State Park, it zoomed up to \$2,000 per acre, a healthy profit. And then we see the same thing with the growth now 30 years later in Chatham County, a corporation keeps their values artificially low and as development occurs around corporate property,

just prior to it being sold it zooms up in value again at a healthy profit. The mechanism that makes that possible is that the corporation's allowed to return their property value, you could do the same thing yourself, and the safeguard to that is that the Board of Assessors is supposed to look over that return to make sure that there's true uniformity. But as was presented by John McMasters to the Board of Assessors last week, there was implications that it was not uniformity between these properties and that there were implications that things were wrong. I'm not here today to judge whether Mr. Jayroe did something intentionally or non-intentionally. The fact is four votes were taken on properties that happened to be part of the company he worked for, and again I'm not here to determine whether he did that intentionally or not intentionally, but the fact is mistakes were made, and what does it cost you and I, the taxpayers? Conservative estimates, \$1.5 to \$3.5 million a year in lost tax revenue, but for the company that translates into conservatively \$1.5 to \$3.5 million in taxes they didn't have to pay. If you had an employee for your company that was making \$1.5 million mistakes per year, I think I know what you'd do with them. You'd send them packing. I asked for that to happen in January. It didn't happen. The votes weren't there. Things will be okay, Jeff [Rayno], we'll wait until June and it'll switch over, no problem. More information comes out, more problems are revealed. Is it prudent now to have a thing where we ask for Ken Jayroe to be fired? No, because he'd be allowed due process. He'd have the opportunity to defend himself. It costs you the taxpayers a whole lot of money. The prudent thing that we can do that doesn't cost the taxpayers anything is just simply ask for his resignation. He can say no if he wants to. That's fine, but it let's you the taxpayers know who on this Board is looking out for your best interest, is willing to make a difference in this community to make sure that there's uniform values, whether it's in the commercial or the residential, and since I've had a lot of lack of faith in the Board of Assessors and things that have happened, on Thursday I turned over a lot of information that John McMasters presented to the FBI and I'm going to let them make a determination whether or not somebody did it intentionally or non-intentionally. They're qualified to do that. They can check bank accounts, they can check the transfer of funds. That way I don't have to sit on my hands anymore or sit with a Board that might want to sit on their hands over this issue. It will get something that's the most important thing of all for the people of Chatham County, and that's something that's been avoided for a long time —, the truth. We've got to get to the truth. We should be able to live in a community where there's uniform values where you know when you pay in, you're paying your fair share, your neighbor's paying their fair share, and nobody's getting good deal somewhere. Today I'm making a motion to ask for the resignation of Ken Jayroe. If they want to join, that's fine. If they don't, that's fine.

Chairman Hair said, we have a motion. Does that motion have a second? Commissioner Gellatly said, second. Chairman Hair said, second, okay. Any discussion? Commissioner Odell said, Odell, Dr. Thomas and then Commissioner Jackel.

Commissioner Odell said, we looked at this before. I understand, Mr. Rayno, that you're obligated to your constituents, but I'm a little bit offended when you take your standards and have your constituents to broad base and judge me. You're not the only honorable person on this Commission, you're not the only person who's concerned about taxes, and this is not Chatham County making this decision, this is a very small group. I want you to understand that that when you broad stroke and say if you don't do what I say then you don't care and you're not in the benefit of the taxpayers. You know we can stick a fork in that. Okay? I think that people serve, they often serve in thankless positions. I've been in Chatham County for an extended period of time, and when I first got here we had problems on the television with Assessors, and every year since we've had problems, problems, problems, problems, and we've had different Commissions to appoint various people. I'm not certain if it's the people who are the problem or the process because to me in 20 years we should have gotten some honorable people. If we didn't, then is it their fault or is it our fault in that we appointed them? I think that we should do the honorable thing and allow Mr. Jayroe term which will naturally expire. I think we have to be careful when we subscribe illegal activities to others that we're not slandering those people. I think that we have to be careful when we imply publicly that someone intentionally did something that was either unethical or illegal. I'm not willing to play that. I have no evidence that I've seen —, and I don't even know the individual other than by sight, and he was not my appointee. I think in less than six weeks this matter will be resolved, we'll have a chance to make a decision. I don't think it benefits anybody if we allow this stabbing of those who publicly serve. I made a decision a long time ago and that was that I will not be anybody's victim, just as I will not be anyone's victim when I see other people who are being victimized, that I will refuse to do just —, if it comes to doing nothing or doing what I think is right and doing nothing will get me re-elected, then it's time for someone else to be re-elected in this seat because Commissioners who only do those things that are publicly right when you have more information, it's concerning to me. Jayroe should be allowed to honorably finish his term.

Chairman Hair said, Dr. Thomas, Commissioner Jackel and then myself. Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you very much. You know, I'm a little disturbed over a couple of comments that Commissioner Rayno made, and I think that we should —, we owe each other a respect. Each of us deserve respect. I respect him and I respect every other Commissioner up here, and I don't want you to be judgmental of me as to my character, whether I'm honest or what. I don't have to prove that to you. I've already proven that, and I'm not going to sit here and allow you or anybody else to insinuate the fact that I am not that type of person. I will not do that because I will not do that to you. Now, I feel just like Commissioner Odell has said, I think that this gentleman deserves an opportunity to complete his term. Now if we are so concerned about asking people to resign or ask for these resignations, his is not the only one that I see that needs to be asked for. Now if we want to do it, we need to do it across the board in that same office. In that same office. So now let's not play games here. If we want to do it, let's do it right. I'm going to do it right, if I have to stand alone, so that when I go home and at night I can put my head on the pillow and I can be very much at ease knowing that I have made the right decision based on the information that I have. So the information that I have I cannot within my heart sit here and vote to ask this man for his resignation.

Chairman Hair said, Commissioner Jackel and then myself.

Commissioner Jackel said, yes, I just want to state for the record too, I resent those comments that this is some sort of look and we see who really cares about their constituents and who really has concern. I don't think I would have gone door-to-door as long as I did and prevail upon my wonderful wife, who happens to be out there, to do it and friends to help me, and all the time I put in doing things if I wasn't genuinely concerned with this County. This past Saturday I went to two neighborhood –, two functions so I could be with my constituents and talk about it. I wouldn't be there if I wasn't concerned, and I resent that implication. I have not received any facts about Jayroe except what I've read in the paper, and of course we all want to rely on the newspaper when we think it's right, as I will later in the thing coming up in the thing about the transfer center, but that's all that's been presented to me is what I've read in the newspaper. Maybe there is some impropriety there, I would hope not but there might be, but there is a way to handle that, and until there is a good presentation on exactly what the basis is for this thing, but it really troubles me and apparently other Commissioners when our motives are questioned and people are told look at that to see where their hearts are. That's very disturbing to me, and I would hope you would reconsider that. We're going to have many differences up here. I'm going to vote with you some times and I'll vote against you other things, but I hope it doesn't come to the point where I question your motive for particularly such a broad statement that we don't even care.

Chairman Hair said, I personally think this is an inappropriate motion. Likewise I share the feelings of Commissioner Odell. I'm particularly pleased when I see the passion of my dear friend, Dr. Thomas, as she just expressed. I've known here for many, many years, and I think I have a unique prospective on this because of the January vote. In January this motion was made and the vote was five to four, and I was the fifth vote that voted not to ask for the resignation, and my –, I explained at the time, and you can go back and check the minutes, what I stated was that I would not support Mr. Jayroe's restatement for another term in June, and I voted against it because I thought that it was just much ado about nothing at the time because why go through the hassle if the man's going to –, if the term's going to be up in June anyway. I have no intention of changing my vote, as I stated in January, and I will vote in June not to have him serve another term, and I think that will end the term, but I do think that this is an inappropriate motion. I think within six weeks it's not likely the man's not going to get reappointed, and I just think that –, and I share with Dr. Thomas that some of the things that have been said today are a little bit inappropriate, but I certainly would not support this motion, but I will certainly also not vote for Mr. Jayroe's second term. And I took a little heat from Mr. Jayroe. My January vote, if you go back and pull the newspapers, you will find that Mr. Jayroe wrote a very nasty letter about me, about my stance in January. That was in the paper. So –, and to be honest with you, I'll go one step further than Commissioner Odell, I'm not sure I'd recognize Mr. Jayroe if he walked in the door. I don't really know him. He may be in the audience for all I know. I don't know that, but I really don't know the man, but I certainly will not vote to have him reappointed, but I think this is not an appropriate motion and I'll vote against it. I explained that to Mr. Rayno on the phone that I would not support it, so I'm not saying anything to him publicly that I haven't said to him privately. We have a motion and a second to –. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I too will not support this, and so people are left to decide whether they agree or disagree with me on that. If that's what they do –, but I feel like his term will be up within the next –, well, we'll probably make this decision at the first meeting in June. I don't know that, but I would think that the decision on the Tax Assessors Board would be made at the first meeting in June, and we have two people that are on there that come up for reappointment and we'll be addressing those two individuals. And I think that at this –, at the present time is the time to do that, and not for the short time between there. Whether –, I read what was in the paper, I've talked to Mr. McMasters on the telephone. I'm not saying that what they have all said is right or wrong. There's been a lot of research done on what Mr. McMasters did, but I have only heard the one side of it. I don't know whether the newspaper interviewed Mr. Jayroe or not and whether he would have commented on it even if they did, but I just feel like at the present time that we need to wait the next couple of weeks and make those decisions when we do the appointments.

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

Commissioner Kicklighter said, thank you, Mr. Chairman. I just want to state for the record that I will support Mr. Rayno's motion but not for any specific allegation stated today. I just –, it's my believe that the chemistry of the entire Board of Assessors needs a drastic shakeup. Something has to happen there. Things aren't going right, and I will support this motion, and I too, like you, Mr. Chairman, will not support Mr. Jayroe should he succeed today when the nominations come up again, but I just wanted to state that for the record. My vote is not for any specific allegation today.

Chairman Hair said, all right, we have a motion and a second to ask for Mr. Jayroe's resignation. If you're in favor of the motion you vote yes, if you're opposed to the motion, you vote no. And the motion –. Commissioner Thomas said, I haven't voted yet. I want to vote against it. Commissioners Rayno, Gellatly and Kicklighter voted in favor of the motion. Chairman Hair and Commissioners Jackel, Murray, Odell and Thomas voted in opposition. The motion **failed** by a vote of five to three. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, okay, the motion fails.

ACTION OF THE BOARD:

Commissioner Rayno moved that the Board ask for the resignation of Ken Jayroe from the Board of Assessors. Commissioner Gellatly seconded the motion. Commissioners Rayno, Gellatly and Kicklighter voted in favor of the motion. Chairman Hair and Commissioners Jackel, Murray, Odell and Thomas voted in opposition. The motion **failed** by a vote of five to three. [NOTE: Commissioner Rivers was not present.]

=====

3. CONTRACTORS INVOLVING AQUATIC CENTER (COMMISSIONER JACKEL).

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, yes, and again we've been getting some memos about the Aquatic Center and there has been numerous articles in the newspaper about it. I have concerns about what was going on there. I don't know to the extent of what the problems are and whether it's the fault of the contractor or the subcontractor. It's my understanding that the County has a black list of contractors who have not performed well –. Commissioner Odell said, we've got to find another word for negligent lists of people. Black list, black people. Commissioner Jackel said, well, I can tell you when I was in school the Dean had two lists and I was on the wrong one, I'll tell you that. Commissioner Odell said, but it was the Dean's list. Commissioner Jackel said, anyhow, when we –, we need this list, we had a procedure for doing that and it's my understanding that they're put on there if they haven't performed satisfactorily, and at that point they would have an opportunity for a hearing, and they can be placed on this list of inappropriate contractors. Maybe that'll work. Anyway, what I would like to do to further that process is to see if we can't enter into an intergovernmental agreement with the School Board and the City that we combine that so we get the greater power. If the School Board has trouble with a contractor and they need to put them on the inappropriate list, that we would honor that and the same with the City, and if we have problems, they would honor ours so we would get a much bigger impact and probably –, and hopefully cut down with problems with bad contractors.

Chairman Hair asked, can I suggest, Commissioner Jackel, that we have the manager and the lawyer look at that to see how we would do that –. Commissioner Jackel said, oh, absolutely. Chairman Hair said, and then bring something back to us. Commissioner Jackel said, right. That's the whole idea, to bring it up for discussion and get some ideas. Chairman Hair said, okay, we'll have them –, go ahead, Commissioner Murray.

Commissioner Murray said, yes, you know, there's been a lot of blame on this put on the contractor himself when, in fact, the design could have been and probably is some of the problems we're having out there. Commissioner Jackel said, I don't question that. Commissioner Murray said, and so I think all this needs to be looked into. I know this contractor personally, and he's talked to me about it and is very concerned about some of the things that have taken place. I'm not saying that everything was done just right and everything was not done right, but I do think we've had some design problems, anything that was done out there, we have people on County staff that were overseeing that project, and I think if we're going to look at it, we need to look at all of it.

Chairman Hair said, I think that's appropriate also. Certainly, architectural and engineering firm need to be considered, Mr. Hart, when y'all are doing that, so they'll bring something back to us. Thank you, Commissioner Jackel.

ACTION OF THE BOARD:

Commissioner Jackel requested that we see if we can't enter into an intergovernmental agreement with the School Board and the City that we combine our lists of inappropriate contractors and if the School Board has trouble with a contractor and they need to put them on the inappropriate list, that we would honor that and the same with the City, and if we have problems, they would honor ours so we would get a much bigger impact and hopefully cut down with problems with bad contractors. Chairman Hair instructed the County Manager and County Attorney to look at the problems being experienced at the Aquatic Center and bring something back to the Commission for discussion.

=====

ORDER OF BUSINESS

Chairman Hair said, we will now recess as the County Commission and reconvene as the Chatham Area Transit Authority. Commissioner Murray said, we've got one more item on the –. Chairman Hair said, it's not mine. What have you got? Commissioner Murray said, we've got discussion on consolidation of departments, Commissioners Rivers, Jackel, Murray, Odell and Thomas. Chairman Hair said, let me make a procedural statement. This has happened –, we shouldn't have these –, Russ [Abolt], let's make sure that what we get is accurate. It's not on my list and it's on the –, apparently it's on Commissioner Murray's list. This is the first time I've seen it. Okay, what is it? The Clerk said, two more items. Commissioner Murray said, discussion of consolidation of departments. Chairman Hair said, all right, discussion of consolidation of –. Commissioner Murray said, and we've got the Islands Land Use Plan is on there too, MPC and Islands Land Use Plan. Chairman Hair said, well, none of those are on my list, Mr. Abolt. Commissioner Murray said, number four was the Islands Land Use and MPC. Chairman Hair said, go ahead and do that one first.

=====

4. ISLANDS LAND USE PLAN/MPC (COMMISSIONER MURRAY).

Commissioner Murray said, there was a meeting a couple of weeks ago between the City of Savannah, County Commission and the MPC. I had to leave the meeting early and some of the Commissioners were there, and in the comments that I was making before I left I had requested that the MPC have this Land Use Plan ready to be voted on by the Commission

before the moratorium goes off, which is June 21st, I think. Our next Commission meeting, had we not moved it in June, was going to be on the 22nd. It's now moved to the 29th. I understand that this coming the MPC on Tuesday, the 15th, to take a vote. County Attorney Hart said, correct. Commissioner Murray said, the plan basically is ready for them to vote on, but I'm also hearing discussions that a lot of the MPC members feel that they need to table it. I would request permission that we request from the MPC that they send that plan to us by the June 8th meeting so we can go ahead and do what we need to do –, no, it would be the May –. County Attorney Hart said, May 25th. Commissioner Murray said, May 25th meeting for the first reading and the June 8th meeting for the second reading.

Chairman Hair asked, do we know that it'll be complete by then? Commissioner Murray said, the plan is complete now from what I understand, and they –, and it's going before the MPC for their decision on the 15th, which is Tuesday. Chairman Hair asked, but do we know that any questions they might have have been answered before –. County Attorney Hart said, they –. Chairman Hair said, I mean, I just hate to hurry the process from the standpoint that they would have a chance to deliberate it. Commissioner Murray said, well, I'm concerned with the process and the whole time the whole intent of this moratorium was for the MPC to move as quickly as possible. It's taken them over four years to get to the point where we are today, and I just feel like that this plan should be sent to us regardless of what their decision is for our May –, whatever that date is –, meeting for the second meeting in May, and so we can discuss –, we're going to make the final determinations on it anyway.

County Attorney Hart said, Mr. Chairman, I spoke with Commissioner Murray at length a couple of times this week about the situation. They had a meeting over at the MPC, a staff meeting workshop, there were a number of questions raised at that meeting and staff had some questions of whether they'd be ready on Friday. Chairman Hair said, that's my concern. County Attorney Hart said, I spoke with Mr. Yellin right after his presentation here, who has been very active in the thing, and, you know, he had one or two –, he said he had one or two comments on the plan, but just generally made a statement he thought the plan had been fairly well received. So it may very well be ready to go forward on the –, next week.

Commissioner Murray said, a couple of other things too. One is, and I don't think it's –, Russ [Abolt], is it included in the Land Use Plan, definitions of fast foods or is that a separate issue y'all are addressing? Mr. Abolt said, it's been clarified as a separate issue. That's part of the –. Commissioner Murray asked, Is that coming up on the 15th also? County Manager Abolt said, sir, I've not seen –, I won't get my agenda for MPC until late –. Commissioner Murray said, I know you've been sick. County Manager Abolt said, it does not come in until late this afternoon. Commissioner Murray said, okay. Well, I would like to see the MPC address the definition of the issue, Land Use Plan issue, and also the height restrictions, and I'll have a chance if it comes to us for our discussion before then as far as the height restrictions and the Land Use Plan.

Chairman Hair said, I think we can just direct staff to communicate that to the MPC.

ACTION OF THE BOARD:

Commissioner Murray asked that the MPC be requested to deliver the Islands Land Use Plan to the County so that it can be on the agenda for first reading on May 25, 2001, and second reading on June 8, 2001. Chairman Hair stated that staff will communicate that request to the MPC.

=====

5. DISCUSSION ON CONSOLIDATION OF DEPARTMENTS (COMMISSIONERS RIVERS, JACKEL, MURRAY, ODELL AND THOMAS).

Chairman Hair asked, who's going to take the lead? I don't know what this is about.

Commissioner Murray said, well, I can start if you want me to. Chairman Hair recognized Commissioner Murray. Commissioner Murray said, you know, first of all, you made the comment about things coming up on the agenda like this. The last time discussion came up about anything to do with consolidation of departments it wasn't even on the agenda. We voted to put it on the agenda during the meeting. So I don't see this being any different than that was at the time. There was a lot of discussion during the meeting about consolidation of the Chatham County Police Department and the Sheriff's Department, and during that discussion I was opposed to doing the consolidation for a lot of reasons that I won't go into right now, and I am still opposed to consolidating those departments. I think for the benefit of our Police Department and the Sheriff's Department, it needs to be put to rest one way or the other, either we vote it up or we vote it down and we quit having people sitting in departments and job positions wondering whether they're going to have their job, whether they're going to transfer to another department or what's going to take place with them, and that's why I want my name on this to put it on here and discuss it today, so I think we need to make a decision. We need to either do it or don't do it and move forward, and I am personally opposed to doing that. I don't know if anybody else had any comments on this list or not.

Commissioner Odell said, I'd like to make a –. Vice Chairman Thomas recognized Commissioner Odell. Commissioner Odell said, I tend to agree with Frank [Murray]. The fact that I practice law and have an opportunity to see a fair number of the officers, and this is just very upsetting to both –, some of the officers in the jail and on the Police Department, and I think we need to put it to rest.

Vice Chairman Thomas asked, any further –? Commissioner Murray said, we need a motion to –. Commissioner Rayno said, this was sprung up on us.

Commissioner Murray said, I would like to make a motion that we do not consolidate the County Police with the Sheriff's Department. Commissioner Odell said, second.

Vice Chairman Thomas asked, any further discussion? Did you want to –? Commissioner Rayno said, I'd wait for the Chairman to get back before we vote, number one. Vice Chairman Thomas asked, you would like to –? Commissioner Kicklighter said, yes. Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, you know, had anybody really known what this was in reference to, I believe we would have provided some numbers to show the savings to the taxpayers in Chatham County. I believe the Sheriff and Chairman Hair worked hard –, I know I received a memo with actual numbers that you, my fellow Commissioners, that you requested last time. Mr. Chairman here requested –, he actually put the numbers together to show the money, the figures that we would save by combining the Sheriff's Department and the Chatham County Police Department, and, you know, to spring this back up, this is the same exact tactics that you once started the Chairman for that you're now springing back on the Chairman. It's politics at its worst actually because we kind of, I believe, acknowledged then that we should present the numbers and do it in a manner, in a professional manner, and now the same exact thing that you once accused the Chairman of doing has been done here to the Chairman, and I just don't believe this is right. It's not –, it's not the way we need to work. So I –, I will not make a motion at this moment to table this item, but I would hope that one of us would after this discussion's over here where we can present the accurate numbers that we need to to make an intelligent decision of whether or not we save the taxpayers in Chatham County some money.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, Mr. Kicklighter –. Commissioner Kicklighter said, yes sir. Commissioner Rivers said, I base very few things on projection. I measure outcome. Have you reviewed the budget over the last three years? Do you know what the outcome of the Sheriff's budget is, how many times he's been over budget? Do you realize that you're giving a man more money and more patrol, you might as well not be here. You're giving a man control over a budget, you'll almost budget his budget. So –. Commissioner Kicklighter said, I'd believe he'd had to take us to court to do that because we're still the final authority unless he takes us to court on that. Commissioner Rivers said, hey, been there, done that. Been there, done that. Went to court and lost. Commissioner Kicklighter said, well, then that's the voter's responsibility to vote for a new Sheriff. If we're a responsible government body –. Commissioner Rivers said, that's four years down the road. Commissioner Rivers said, the problem is in your budget you control your budget and should control your budget, and that's the reason that I call the question on this particular issue.

Chairman Hair asked, what's the motion? Commissioner Rivers said, the motion is not to consolidate the Police Department. Chairman Hair said, okay, we have a motion and a second. Commissioner Murray said, yes. Chairman Hair asked, anybody need further discussion? Chairman Hair said, the motion is not to consolidate. If you're in favor of not consolidating, you vote yes. If you're in favor of consolidating, you vote no, as I understand the motion. Is that correct? Commissioner Kicklighter asked, can we at least have the –. Chairman Hair said, all right the motion is to not to do it, so a no vote –. Commissioners Rivers, Jackel, Murray, Odell and Thomas voted in favor of the motion. Chairman Hair and Commissioners Rayno, Gellatly and Kicklighter voted in opposition. The motion carried by a vote of five to four. Chairman Hair said, the motion is not to do it.

ACTION OF THE BOARD:

Commissioner Murray made a motion that the County do not consolidate the Sheriff's Department and the Chatham County Police Department. Commissioner Odell seconded the motion. Commissioners Rivers, Jackel, Murray, Odell and Thomas voted in favor of the motion. Chairman Hair and Commissioners Rayno, Gellatly and Kicklighter voted in opposition. The motion carried by a vote of five to four.

=====

CHATHAM AREA TRANSIT AUTHORITY

The Board recessed as the County Commission at 11:15 a.m., and convened as the Chatham Area Transit Authority.

The meeting of the Chatham Area Transit Authority was adjourned and the Board reconvened as the County Commission at 1:08 p.m.

=====

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 23rd of February meeting. Request this matter be kept on the table but please see agenda item IX-3. [DISTRICTS 6, 7, and 8.]**

ACTION OF THE BOARD:

This item was not placed before the Commissioners for consideration.

=====

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.

=====

3. **PURCHASING ITEM X-22-P. Tabled at meeting of April 27, 2001. Staff is to provide clarification regarding GASB34. Both firms that responded to the proposal (Karp, Ronning, Arkin & Tindol and Moore Stephens Tiller LLC) are to be invited to attend next meeting.**

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
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 said, I'll entertain a motion to take Item 3, this is the clarification regarding the auditor Karp, Ronning, Arkin & Tindol and Moore, take it off the table. Commissioner Kicklighter said, so moved. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously Chairman Hair said, the motion passes. Now, Commissioner Rayno, you were the one that had the questions, I'll call on you to make any response before we take a vote.

Commissioner Rayno asked, are the two companies here at all today? County Manager Abolt said, they were invited, sir. Commissioner Odell said, they were here earlier. Commissioner Murray said, all of them were here earlier. County Attorney Hart said, I saw a representative from both accounting firms earlier. I don't know whether the meeting –. Mr. George Lynch said, there's Rick Tindol and I'm trying to –.

Chairman Hair asked, Commissioner Rayno, do you have questions of them? Is that who you want at the podium? Who are your questions to?

Commissioner Rayno said, well, if you take that method you use for storing and you take the prior experience, of course, the competing firm is not going to have the prior experience with the County, so they're obviously going to score lower. If you pull that completely out of the equation, you've got two firms, both reputable, neck and neck. It's like looking at two identical companies. The thing that gives you a plus for the new people is the fact that they can give a fresh set of eyes

to look at the County. They can give a fresh perspective, and it costs less money. It's a win/win for the taxpayers. That's my whole point. That whole scoring method is flawed.

Commissioner Jackel said, Mr. Chairman -- Chairman Hair said, Commissioner Rayno still has the floor unless he's --. You're making a statement, and if that's your opinion, you're certainly entitled to your opinion. I don't share that opinion, but you're certainly entitled to that.

Commissioner Rayno said, the other thing also, it's just simple. You've got somebody that's outside of Chatham County, somebody from Atlanta coming in and looking, and it gives the public the feeling that it's truly an outside audit. It's not coming from 123 Abercorn. Chairman Hair said, well, I can tell you from experience, Commissioner Rayno, that there's two areas in accounting and in law where it takes someone that's never done it a long time to come up to par, and that costs us a lot of money. Every time we switch attorneys and every time we switch accounting firms somebody's got to go on the learning curve to get familiar with our systems and all those kind of things, and I think in the long term, I think we've been very pleased with this auditing firm. I think they've done an outstanding job for us, and I see no reason whatsoever to change accounting firms, and I would certainly not support any motion that tried to change this. I think that this company had done a good job, they're a local company, and I'd like to see them continue as the auditor.

Commissioner Jackel said, Mr. Chairman -- Chairman Hair recognized Commissioner Jackel. Commissioner Jackel said, I'd like to second what you say. Since this --, Commissioner Rayno brought up this, I have made inquiries of several staff members and they have told me that Mr. Tindol and his firm and the people that work for him are always available when they call to get information, to get advice, they come over to the courthouse or wherever else they're needed if there are some problems with the thing. Most of the people that deal with them they do not accountants --, we don't have any accountants on our staff. We have bookkeepers, and so they're often called to render decisions on things. Their on-site availability that they're not adding to the price, we're not getting any change orders when they give us --, spend this extra time and advice. It's hard to put a value on it, it's hard to put a value on it. What concerns me about this is we're talking about a contract for three years and the difference is not substantial. They have worked for us for a number of years and it would just really bug me if I worked for someone for seven or eight years and for a few thousand dollars less they went to someone else after I had been doing a good job, and I think that's the position they're in. We know they've been doing a good job, they have good rapport with the staff, and they're available by telephone, they're available to come over whenever they have problems, and it's really hard to put a value on that. I'm going to support continuing with Karp, Ronning, Arkin and Tindol.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, I just want to let my fellow Commissioners know that while serving Garden City we utilized this firm and they did an excellent job for us there, and I understand they're doing an excellent job for us here, so I support continuing --.

Chairman Hair said, I'll entertain a motion approve. Commissioner Thomas said, move for approval. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Jackel, 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 seven to two. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the selection of Karp, Ronning, Arkin and Tindol, for the annual contract with option to renew for two additional one-year terms to provide external audit services to perform State-mandated audits. Commissioner Kicklighter seconded the motion. Chairman Hair and Commissioners Rivers, Jackel, 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 seven to two.

=====

ORDER OF BUSINESS

Chairman Hair said, it has been suggested again because of a conflict that we deal with Items 2 and 3 first and, without objection, we'll do that. We'll deal with 3 first and then 2.

[NOTE: Items IX-3 and IX-2 were taken out of order and were heard at this point on the agenda in the order stated.]

=====

IX. ITEMS FOR INDIVIDUAL ACTION

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

- 1. REQUEST BOARD APPROVE THE FOLLOWING: A TRANSFER OF \$203,000 FROM 1993-1998 SPLOST, UNINCORPORATED ROADS, TO BAMBOO FARMS & COASTAL GARDENS PAVING IMPROVEMENTS PROJECT, AND AN APPROPRIATION OF \$72,230 IN THE CONFISCATED FUNDS SPECIAL REVENUE FUND FOR VEHICLES FOR CNT, AND A BUDGET AMENDMENT TO THE 1993-1998 SPLOST FOR \$582,010 FOR FUTURE TRANSFER FROM GENERAL FUND TO HUTCHINSON ISLAND WATER AND SEWER PROJECT.**

Chairman Hair said, I'll entertain a motion to approve. Commissioner Rayno said, Dr. Hair, I'd just like to be consistent. Can we pull the first part out about the Bamboo Gardens so I can vote against it and I'll approve the rest? Chairman Hair said, okay. Certainly, certainly. Commissioner Gellatly said, I have a question. Chairman Hair said, okay, go ahead and ask your question. Is it related to each one? Commissioner Gellatly said, no, just one. It's the -. Chairman Hair said, go ahead and get your question out of the way. We'll just do it in two votes.

Commissioner Gellatly asked, CNT, are those replacement or additional vehicles? CNT Commander Steve Smith said, they're not -, they're special purpose vehicles for our tech people to have rapid response with technical equipment with -, to get into places where the normal vehicles could not go. Commissioner Gellatly said, my question, Commander, are they replacement or additional vehicles? Commander Smith said, they're additional vehicles. Commissioner Gellatly said, my further question on that is though obviously if they're approved we would have to gas them and maintain them and that would be added to the budget. I understand that when you make a request from condemned funds that you can anticipate the life of those vehicles and have the maintenance costs and gas costs into that so -. Commander Smith said, let me respond to that. CNT is currently down three vehicles. These are new vehicles that we will use for special purposes. Now I do have vehicles that those people are using, but I would deem inadequate for those purposes. I -, rather than put those vehicles that they have into surplus, I would like to press those vehicles into service for CNT and forego buying two additional vehicles and use existing vehicles that we have. Commissioner Gellatly said, Commander, I would certainly support whatever your unit needs, the only thing I'm saying is that I know from experience that when you put additional vehicles on -, into your fleet, why they tend to cost more money, which comes out of the tax base. Secondly, I do know that through condemned funds that you can anticipate the life of the vehicle, be it three years or five years, and you can -, when you make that request, you can add that amount of money so it's included, so that comes out of condemned funds too, so the gasoline for three years, the maintenance for three years should all be included in that. Commander Smith said, I'm certainly not opposed to condemned funds for that purpose if that is consistent with the use of condemned funds.

Chairman Hair said, I totally agree with the Chief [Commissioner Gellatly]. I think -. Commissioner Gellatly said, I had my friend, Ed Driscoll check it out and he says you can do it. Commander Smith said, if -, I'm certainly not opposed to that. Chairman Hair said, I think the Chief's got an excellent point, and if you can maintain these vehicles out of confiscated funds, I would support it, but if you can't, I would have some problems with it. Commissioner Gellatly said, that's a different story. That's going to add to -. Chairman Hair said, so if you can maintain them out of those same confiscated funds, I think it's a great idea. If you can't, then I've got a problem with it.

Commander Smith said, yes, our proposal would include the forgoing of buying two replacement vehicles -. Chairman Hair said, that's not the issue to me, Commander. The issue is the same issue that the Chief [Commissioner Gellatly] brought up. The issue is maintenance of those vehicles, gasoline for those vehicles. That's a different issue.

Commissioner Kicklighter asked, so can we pull this item just out or table this one thing -. Chairman Hair said, well, if we -. Commissioner Kicklighter asked, and we would check or what? Chairman Hair said, certainly we can do -, let's get all the questions in first. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I understand what you're saying about the condemned funds and I understand too that if we can do it, that we might need to lean that way. I also want to tell you what kind of cost savings he's receiving in that department. The Georgia National Guard Counter Drug Program gives him one personnel at no charge to him. They bring in helicopters, they bring in planes, they bring in all types of surveillance equipment, so it saves thousands and thousands of dollars every year for this person being there, and with the cost savings he's seeing from that, I certainly think he should be allowed to go ahead and purchase these vehicles. Commissioner Kicklighter said, well, if we can save money.

Chairman Hair said, I have no problem with purchasing the vehicles. As long as he can maintain them out of the same funds, I have no problem. Commissioner Murray said, I don't think he has a problem with that. Commander Smith said, I do not believe that the use of these vehicles would result in any additional expenditure for fuel. I certainly don't believe that's going to happen. Chairman Hair said, I thought I heard you say they were additional vehicles. Commander Smith said, they're additional vehicles to the fleet for -. Commissioner Odell said, but you've got some old vehicles and you're not going to surplus those old vehicles out -. Commander Smith said, exactly. Commissioner Odell said, and this is basically you're going to save two vehicles, you're going to save having to purchase two vehicles through our normal budgeting process. Commander Smith said, yes sir, exactly. Chairman Hair asked, but is there not a net increase in vehicles after you subtract the two that you -? Commander Smith said, it'll flatten out, it'll preclude buying two additional

vehicles. It'll flatten out with -. Chairman Hair asked, what's the net number of vehicles you'll have after this? Commander Smith said, right now we're down three vehicles. When I buy these two additional vehicles, we'll still be down three vehicles. If I can press the two vehicles that is currently being used for this purpose that are inadequate, I'll have -, I'll be down -, my net down will be one vehicle. Chairman Hair asked, when you say down vehicles, what does that -, what does that mean? Commander Smith said, okay. We had a complement of vehicles that serves our purposes. Right now we are short three vehicles. Chairman Hair asked, and how are you short three vehicles? Commander Smith said, because some of the vehicles have been deemed inoperable because we bought -, in the past we have purchased used vehicles that are now -, the transmission's going bad on one of them, we had one that was involved in an accident that was put out to surplus, so we are short three vehicles for our unit. We are -, however, we have [inaudible] these other units, so we're not out -, people that aren't able to have vehicles to use. Our technical people do have existing vehicles that they use, but they're inadequate for the purposes that I would like to have -, I would like to be able to have our technical people be able to transport -, have equipment readily available to transport rather than go to the Counter Narcotics Team office at night, if we have a reason to be out in some area like Tybee or some remote area of the County, that they can respond from a location rather than come into headquarters, pick up the equipment and go. So I want to increase -, enhance our ability of our technical people and I want these vehicles to serve that purpose. If these -, if I could get these vehicles to do -, for that purpose, then I could take the existing vehicles that those individuals drive and use them instead of buying vehicles, replacement vehicles, use those two vehicles to replace our shortages. So I say -, I say that we're not going to be -, maintenance is not going to be an issue and I don't think gas -, and I know gas would not be an issue.

Commissioner Odell said, Steve [Smith], I have two questions. Question one is that the confiscated funds, we can't put that into the general fund and use that money up elsewhere. These are not eligible to be confiscated, which the guidelines dictate how we can use them. The impact of what you're doing is you're saving us from having to now purchase two more vehicles because ironically you can't fight crime if you cannot drive. If the vehicles won't run, you can't fight crime. I think that this is a win/win. I know everybody is really cost conscious, but the impact of this is we save money.

Chairman Hair said, all let's take them in two separate motions, and I think -, all right, the first motion is to approve the transfer of \$203,000 from 93-98 SPLOST, Unincorporated Roads, to Bamboo Farms & Coastal Gardens for paving improvements. I'll entertain a motion to approve that. Commissioner Odell said, I'll make a motion to approve. Chairman Hair asked, second? Commissioner Thomas said, second.

Commissioner Murray said, I've got a question on that, and my question is why are we approving \$203,000 when there's only \$184,000 in the contract for this same project that we'll be voting on shortly? Chairman Hair asked, Al [Bungard], can you answer that question? County Engineer Bungard said, yes sir. We typically include ten percent contingency. We often don't use it. If that ten percent is left over, unforeseen conditions, we transfer into other projects to use. We've been doing this routinely.

Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and Jackel voted in opposition. The motion carried by a vote of seven to two. Chairman Hair said, the motion passes.

Chairman Hair said, now we will -, the balance of that item, an appropriation of \$72,230 in the Confiscated Funds Special Revenue Fund for Vehicles for CNT, and a budget amendment to -. Chairman Hair said, I'll make a motion to approve. We're going to take those separate, aren't we? Chairman Hair said, we can. Okay, we'll do it in three items then, okay. Commissioner Odell said, no, wait. I'm not saying we have to, I'm just asking. Chairman Hair asked, does anybody have any problem with the last one so we can just take them together? Okay, we'll take the last two together. And a budget amendment to the 1993-1998 SPLOST for \$582,010 for Future Transfer from General Fund to Hutchinson Island Water and Sewer Project. I'll entertain a motion to approve. Commissioner Odell said, 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. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

1. Commissioner Odell moved to approve the following: a transfer of \$203,000 from 1993-1998 SPLOST, Unincorporated Roads, to Bamboo Farms & Coastal Gardens Paving Improvements project. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rivers, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and Jackel voted in opposition. The motion carried by a vote of seven to two.
2. Commissioner Odell moved to approve the following: an appropriation of \$72,230 in the Confiscated Funds Special Revenue Fund for Vehicles for CNT, and a budget amendment to the 1993-1998 SPLOST for \$582,010 for Future Transfer from General Fund to Hutchinson Island Water and Sewer Project. Commissioner Thomas seconded the motion and it carried unanimously.

=====

2. BOARD CONSIDERATION REGARDING EXISTING INTERGOVERNMENTAL AGREEMENTS TO INITIATE A POLICY OF EXPENSE SHARING WITH MUNICIPALITIES.

[NOTE: This item was taken out of order and was heard after discussion on Item IX-3.]

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, yes sir. What I'm seeking, Mr. Chairman, Dr. Thomas, gentlemen, your policy guidance. This was a discussion you all had in conjunction with your budget goal session. The term that we've used to identify --, to balance our budget is a term called expense sharing. I need your consensus today and direction that we might be able to pursue an expense sharing as it applies to intergovernmental agreements. We began after your goal session to identify what amounts to several intergovernmental agreements for services with municipalities in Chatham County. The first two that came to light was the agreement for drainage maintenance and then our Counter Narcotics Team. As you know, with some of our budget challenges, we seeking a way to off load some of that expense. The concept, and that always is concept, that we would notify all participating jurisdictions, both in CNT and also in the drainage program, all of which currently are not spending anything in their individual budgets for those services, that we would entertain going the first of January into a expense sharing --, expense sharing of approximately 25%. The 25% is purely optional. It's just one way of getting from you some testing of where you want to go. An argument can be made these are M&O services, we have the broadest base of taxing to cover those services. If that is your choice, we do understand.

Chairman Hair said, I see this sort of like the other options with the road. I think that we need to have some discussions in the municipalities and get kind of reaction first and then --, because I think that would be --, you know, I think we'd have a better feel for --. I think as far as talking to them about it, certainly it's something we should talk to them about, and we should attempt to negotiate with them, but until we --, you know, I don't know that we again need to take any action other than that at this point until we see. I mean, most of these are in your district, a lot of them are, the majority of them are, Commissioner Kicklighter. Would you agree --, and I know Tybee's in your's.

Commissioner Kicklighter said, yes sir, I sure would. On, I believe, Wednesday I got wind that this was going to be on the agenda. Through a fax I tried to contact the municipalities. One responded here, so I think that would be a great idea for us to have informal meetings before this ever gets to this point because it's in the belief of a lot of the municipalities out there that that's really two of the only services they receive in there for their tax dollars, so I believe that's an excellent idea.

Chairman Hair said, well, I'm not sure --, I'm not sure that we can separate this from the sales tax distribution, and I think that's --, I don't know that you can hang this out as a separate issue. I think they're going to view it as a --, and since we're close to that renegotiation point, are we not, fairly close? County Manager Abolt said, no sir, we're not --, we're not --, well, I --, we're not close enough to deal with our immediate budget problems that you're facing 1 July. Chairman Hair said, okay, well --. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, that's what I was going to bring up because this was all negotiated with that renegotiation of the fifth penny a number of years ago, and that's how we got into it and that's when we accept this and all the municipalities accepted it. I certainly feel we can open up some discussion with them, and I think we need to talk about it.

County Manager Abolt said, may I attempt to clarify. The discussion you've pick right up, on LOST, Local Option Sales Tax, the issue there was jail reimbursement. Commissioner Murray said, that's right. County Manager Abolt said, and we understand by intergovernmental pact we cannot change that. I'm shifting from LOST intergovernmental agreement to a choice you have whenever you wish to exercise it for CNT and for drainage. Commissioner Murray said, and I understand that, and I know the CNT was an agreement that we had when we first were working with all the municipalities and put CNT together, and I think it's time to look at that again because I think we do need to look at the way that that is funded and how they operate, but at the same time I think we need discussions with the municipalities when we go into this.

Chairman Hair said, yes, and I also think that you've got two lumped together that are not necessarily together. I think certainly on the drainage issue, that was part of the sales tax negotiation. I don't believe CNT was part of that. It was something I've watched --. Commissioner Murray said, yes, the CNT was --. Chairman Hair said, a separate issue. Commissioner Murray said, it is a whole different --. Chairman Hair said, so I think we could go ahead and have discussions about the CNT cost sharing, but I think on this drainage issue, I think we have to --. We could certainly talk to them about it, but, you know, I don't believe in changing, you know, changing the rules in the middle, and I think that's what we would be doing.

County Manager Abolt said, sir, if I may, just --, if I may, factually drainage was not a part of the intergovernmental agreement for LOST. What happened with LOST --. Commissioner Murray said, no, that was SPLOST. County Manager Abolt said, LOST, this is Local Option Sales Tax. Commissioner Murray said, I know that. County Manager Abolt said, this is drainage maintenance. Chairman Hair said, I understand. County Manager Abolt said, what happened was we were in advance of the Olympics, there was discussion back and forth, the County Commission agreed to pick up jail costs. There was a balloon payment up front because that first year there was more money coming into the Chatham County coffers than the other cities. The Commission then-seated said, let's take some of that money, two million or so dollars, and exploratory we would do County-wide drainage. This was on the heels of two very intense rain storms. There was no commitment --, in fact, some cities have yet to agree on allowing drainage maintenance to go forward as it has, but you've never made a long-term commitment for drainage.

Chairman Hair said, I understand, but I still think the position should be the same. We need to just talk to them about it, let's talk to the municipalities, get their reaction, and then I think we're ready to take it to the next level.

Commissioner Kicklighter said, thank you, Mr. Chairman, because I believe I was either Mayor or Mayor Pro Tem of one of those municipalities, and it was my understanding at that time that this was a part of that negotiation. So when we jumped in to support the new sales tax, that was –, we were under that impression.

Chairman Hair said, and I really think probably the way to do it would be once we've had preliminary discussions at the staff level with these municipalities, then I think it would be appropriate at that time to have a joint workshop between the County Commission, not at a Commission meeting, but a separate workshop, at the County Commission meeting and these Mayors and City Managers, I think that would be appropriate, but I think it would be premature to do that in advance of these meetings. So I think what you are seeking is go ahead and meet with the staff at the staff level and get the reaction and then we'll set up this workshop.

County Manager Abolt said, yes sir, if you want to historically, you'll recall not too long ago we proposed in the budget a shift involving the school district, and there was a great deal of uncertainty and why we did it that way. We just laid it all in front of you.

Chairman Hair said, okay. Thank you.

ACTION OF THE BOARD:

The Board directed staff to meet with staff of the municipalities to discuss initiating a policy of expense sharing with the municipalities on the issues of CNT and drainage prior to the Board scheduling a workshop with the municipalities.

=====

3. OPTIONS COMPARING THE IMPACTS OF CONSTRUCTING BUSH ROAD (OR A NEW ROAD) AND A TRAIL ALONG DIFFERENT ALIGNMENTS BETWEEN STATE ROUTE 204 (FORT ARGYLE ROAD) AND LITTLE NECK ROAD IN THE VICINITY OF THE SAVANNAH-OGEECHEE (S&O) CANAL.

[NOTE: This item was taken out of order and was heard as the first item under "Items for Individual Action."]

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, thank you, Mr. Chairman, Dr. Thomas, gentlemen. This is exploring alternatives. There have been extensive discussions before this body on more than one occasion as to adopting a master plan for the S&O Canal. The direction you've given staff to date in effect is to do everything we can to solve all issues along with the route that spans the entire breadth of Chatham County. The one part of the project that has cause the most discussion has been that along Bush Road. Trying to be creative and innovative and give you options that have not been discussed to date, I asked Mr. Bungard, along with our Parks staff and the consulting engineer, as well as MPC, to look at an option that in effect we create a new Bush Road, a Bush Road that might be designed to potentially more benefit to adjoining citizenry, a Bush Road currently not now funded. It is dollars that would have to be set aside if you choose, number one, to have a vote on SPLOST in 2003, it would be a project included, and obviously would have to be approved by the voters before the money were in hand, but I think it's important now in exploring concepts and options so we can move the S&O Canal along to the point you want to be in where you adopt it where there's in hand options that are doable for all phases. I would like for Mr. Bungard to give you a brief presentation on concepts, and would like your permission to have a meeting with affected property owners along Bush Road to discuss this as the one missing link in our strategy to have you adopt the S&O Canal and then once that is done, assuming we get some general consensus, we bring back the entire matter for your –.

Chairman Hair said, let me suggest –. Commissioner Kicklighter, you're in favor of this, looking at the options? Commissioner Kicklighter said, yes, well, Mr. Chairman, I wasn't aware that we were prepared to do any type presentation today. Chairman Hair said, me either. I don't think that's –. Commissioner Kicklighter said, I thought we were just simply requesting permission from the Board to hold a public hearing, to get their input, show them what we've come up with. Staff has worked hard on it, and then bring it back. Chairman Hair said, that was my point. I really think a presentation today would be premature because I'd like to know, along with the engineers, but also what the reaction has been from the community, and we don't know that. So if we proceed as a potential option and meet with the property owners and then come back with the property owners' input plus the engineers' input, I think that would be a more expedient –.

County Manager Abolt said, that's very helpful. We did not want to do it on our own –. Chairman Hair said, okay. County Manager Abolt said, because obviously we're talking about a kind of a prenuptial agreement. It would be a commitment if what you hear is agreeable, but you'd have to look forward to a SPLOST in 2003.

Chairman Hair said, okay. We don't need a motion for that, we'll just direct staff to do it. Chairman Hair recognized Commissioner Murray.

Commissioner Murray asked, Russ [Abolt], has the City been involved in this at all? County Manager Abolt said, not to this point, sir. Commissioner Murray asked, doesn't this property fall in the City limits? County Manager Abolt said, the issue here is a new road. This is the one -. Commissioner Murray said, what I'm saying though, the property falls within the city limits, doesn't it? Chairman Hair said, now it does. Commissioner Kicklighter said, in the discovery they found out that our County road falls within those limits. Ms. Hilda Whitaker said, hear, hear. Commissioner Murray said, my point is if we're doing all this discussion, shouldn't they be involved in the discussions? Commissioner Kicklighter said, when it comes to access issues, yes sir. Commissioner Murray said, well, my point is let's don't go do a lot of planning to do something if we've got to bring other people in. Chairman Hair said, we will involve them in it.

County Manager Abolt said, we had -, just to explain. Yes, we understand there are many, many people involved in this thing. The idea of building a new road is a brand new idea. We do not want to do it without your permission.

Chairman Hair said, okay, proceed and then get -, and make sure you have the public hearings and get ample input from the neighbors and that sort of thing and bring it back and we'll look at it at that time.

ACTION OF THE BOARD:

The Board direct staff to meet with the citizens involved regarding constructing Bush Road (or a new road) and a trail along different alignments between State Route 20 (Fort Argyle Road) and Little Neck Road in the vicinity of the Savannah-Ogeechee (S&O) Canal, obtain their input, and then come back to the Board with the necessary information.

=====

4. REQUEST FOR WAIVER OF HIRING FREEZE:

- **POLICE: LIEUTENANT (1 POSITION AND RESULTING VACANCIES); MAJOR (1 POSITION AND RESULTING VACANCIES IF PROMOTION FROM WITHIN); OFFICER (1 POSITION); EMERGENCY COMMUNICATIONS DISPATCHER (1 POSITION)**

Chairman Hair said, before the Chief -, I'll recognize the Chief, I have no problems with the Lieutenant position and the other dispatcher. I do have a problem with the Major position, Chief. If you go back to our management study that we paid a lot of money for, the management study suggested that we only need two Majors in that department. If we don't fill this position, we'd have two Majors that the study said we should have. To me, the perfect time to implement parts of the management study is when we have vacancies and that way you don't have to fire people or lay people off. This position's vacant right now and, you know, it bothers me a little bit. We can't just pick and choose, you know. We can't pick and choose and say, well, this part of the management study we like, this part we don't like. I have a problem with the Major position. I think we should follow the management study and not approve that, but I have no problem with the other two. That's my position. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I'd like to make a motion, therefore, that we approve the Lieutenant and officer for Emergency Communications Dispatcher. Chairman Hair said, I have a motion. Commissioner Rayno said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair said, motion -. We'll vote on the other two. Have you got a question about -? Commissioner Murray asked, oh, you're just going to vote on the other two? Chairman Hair said, yes, we'll vote on the other two. All those in favor of those two. The motion carried unanimously.

Chairman Hair said, now the Major position separately. I just believe that we should implement the study and no fill that position. I think we talked about saving money, we talked about a budget crunch. We've got a perfect example here to do two things, save money and to implement the management study.

Commissioner Thomas said, so it means that if we vote to approve this -? Chairman Hair said, we would not approve -. Commissioner Thomas said, he still will have -. Chairman Hair said, he still will have two Majors. Commissioner Thomas said, the two Majors-. Chairman Hair said, which would be what the management study recommended he should have. Commissioner Thomas said, in addition to that. Okay.

Chief Thomas Sprague asked, may I speak on -? Chairman Hair said, certainly. Chief Sprague asked, what you said, Mr. Chairman? Dr. Thomas and gentlemen, the management study, as you say, on the February report, phase two, stated that the Police Department should consider abolishing a Major's position or go into a one-year trial period to transfer more strategic planning purposes for the Police Department as well as becoming more involved in the tactical command of the people that supervise. The management study also said in that same segment that the Chatham County Police Department had three percent of its officers in its command staff, which to quote them was quite lean for a department this size. We did that study for a year, that evaluation. We did not take the management study as word from the gospel. It was directing us to look at a number of things, and we looked at all of them. We did increase activities in strategic planning, and that includes budget, funding, officer replacement, et cetera. Each of the Majors in our department is empowered to make decisions. The Captains are empowered, and to the Majors, encouraging them to make decisions. They're all on the command staff, as are the Lieutenants of Internal Affairs and the Planning and Evaluation Unit. Now, what is the result of this if we take away a position? And -, the result is we save some dollars. As told to me at the sidebar by one of the management study people, we have to throw something in there as a cost savings. We contested that. We contested

some other things in the management study of the Police Department because there was not one former police officer that served in the evaluation of the department. They were using raw data with numbers crunch, and the raw data was not accurate in some areas. They made recommendations with regard to dispatch. They did not take into consideration that we dispatch for a number of other police departments in this County. That data wasn't there. Without that data, the numbers crunch, we would have been not able to deliver dispatch services to ambulance, fire and the police departments, including the Chatham County Police Department. With regard to the Majors and command, since I've been in the Police Department, there's been a rollover in Majors, but back in '96 I came in. Since that point in time, this Police Department has become nationally accredited using the command staff system that we have, it has become one of the first nine departments in the State of Georgia in 1997 to be State certified by the Governor. All of those things involve standard operating procedures, compliance with those by the officers and employees of the department, who are under the Majors ultimately because they're responsible for the overall operation of their division. As you know, we have CID, Criminal Investigation Division, Patrol Division, and Administrative Services. If I broke them out, the number of people that are supervising, but more importantly, the complexity of the operations and the dollar cost of the machinery, the equipment and the employees that they're supervising, I --, with that I can't agree and I did not agree with the management study. We implemented --. Chairman Hair said, Chief, I didn't expect you to agree. Chief Sprague said, we implemented the second section, which was a part of that management study, and that's where --, where we are now.

Chairman Hair said, I understand, Chief, and I have great respect for the accomplishments of the department. I just think that's a separate issue from this. I think --, I'll tell you another thing the management study didn't consider that they should have considered in my opinion is we had two massive annexations in West Chatham County with Pooler and Garden City, and we now have a lot less acreage to patrol and yet, you know, we've still got a department larger than we had before that. So that's another consideration. The management study didn't take that into account either.

Chief Sprague said, sir, with regard to that, the management study --, I brought it to their attention. With those annexations we gained people, and people are what we police. Yes, the land is a part of it, but we're policing 72,000 people now, and I disagree with you.

Chairman Hair said, I understand that. Commissioner Rivers said, Mr. Chair --. Chief Sprague said, we can't furnish the services if we don't have the people. Chairman Hair said, I just think this is a chance to implement the study and save money, and --. Commissioner Rivers said, Mr. Chairman. Chairman Hair said, I would recommend that we not --. Commissioner Rivers said, Mr. Chairman. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, let me say this to you, Chief. You know, I'm in agreement to hold up on your vacancies. I for one am not saying that you don't need that position. If it proves out justifiable if we're having some problem, I'll be one of the first to run back and get it. If it's needed. But I will promise you this, I will go back and look at that study again and I will match their notes with you, and if I feel that it's necessary, on my part as a Commissioner, then I will come back. That doesn't negate that you are wiped out, so --, for my sake.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, based on what I'm hearing and, first of all, I went --, the meetings we have out in different locations within the unincorporated area, one of the issues that continues to come up is the police and not having enough. I don't know what the job or what job description this particular Major would have, and rather than vote this down right now, and that's what it should like is getting ready to happen, I would move that we table this for two weeks so the people that have questions on --, just like Commissioner Rivers, they can go ahead and get the information they want, and I will now make a motion to table for two weeks.

Chairman Hair said, we have a motion to table. Do we have a second? Commissioner Jackel said, I'll second. Chairman Hair said, all those in favor of the motion to table vote yes, opposed to the motion to table vote no. Commissioners Rivers, Jackel, Murray, Odell and Thomas voted in favor of the motion to table. Chairman Hair and Commissioners Rayno, Gellatly and Kicklighter voted in opposition. The motion to table carried by a vote of five to four. Chairman Hair said, the motion to table passes.

ACTION OF THE BOARD:

1. Commissioner Odell moved to approve waiver of the 90-day hiring freeze and authorized the Human Resources to advertise: Police: Lieutenant (1 position and resulting vacancies); Major (1 position and resulting vacancies if promotion from within); and Emergency Communications Dispatcher (1 position). Commissioner Rayno seconded the motion and it carried unanimously.
2. Commissioner Murray moved to table to the next meeting the request for waiver of the 90-day hiring freeze for: Police: Major (1 position and resulting vacancies if promotion from within); and Officer (1 position). Commissioner Jackel seconded the motion. Commissioners Rivers, Jackel, Murray, Odell and Thomas voted in favor of the motion to table. Chairman Hair and Commissioners Rayno, Gellatly and Kicklighter voted in opposition. The motion to table carried by a vote of five to four.

=====

X. ACTION CALENDAR

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

Chairman Hair asked, does anybody want to pull anything off the Action Calendar? Commissioner Jackel said, yes. Chairman Hair said, remember the hour, Commissioner Jackel. Commissioner Jackel said, these will be –, these will be real–. Chairman Hair said, we have no food for you to eat either, I want to remind you of that. Commissioner Murray said, yes, we do have a sandwich platter that I've ordered. Commissioner Kicklighter asked, Mr. Chairman, may I request K since we have to leave for the DOT meeting where we can do that. Chairman Hair said, K. Commissioner Jackel said, I'll have E, F, G and H. Commissioner Rayno said, L please. Chairman Hair said, Commissioner Kicklighter K. Okay, what else, Commissioner Jackel? Commissioner Jackel said, E, F, G and H. Chairman Hair said, E, F, Jackel, and K? Well, I've already got K pulled. Commissioner Jackel said, G and H and K's already pulled. Commissioner Rayno said, L. Chairman Hair said, L for Rayno. Okay, anything else? I'll approve [sic] a motion for the balance of the Action Calendar. Commissioner Rivers said, so moved. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously.

ACTION OF THE BOARD:

Commissioner Rivers moved that the Action Calendar be approved in its entirety with the exception of Items 15-E, 15-F, 15-G, 15-H, 15-K and 15-L. Commissioner Thomas seconded the motion and it carried unanimously.

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

=====

1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON APRIL 27, 2001, AS MAILED.

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the minutes of the regular meeting on April 27, 2001, as mailed. Commissioner Thomas seconded the motion and it carried unanimously.

=====

2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD APRIL 19 THROUGH MAY 2, 2001.

ACTION OF THE BOARD:

Commissioner Rivers moved that the Finance Director is authorized to pay claims for the period April 19, 2001, through May 2, 2001, in the amount of \$2,797,717. Commissioner Thomas seconded the motion and it carried unanimously.

=====

3. REQUEST FROM STEVENSON AND PALMER ENGINEERING, AGENT FOR EAGLE DEVELOPMENT GROUP, FOR THE COUNTY TO RECORD THE FINAL PLAT FOR BERWICK LAKES, PHASE 1B, ACCEPT THE SUBDIVISION 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 the request from Stevenson and Palmer Engineering, Agent for Eagle Development Group, for the County to record the final plat for Berwick Lakes, Phase 1B, accept the Subdivision Agreement and Financial Guarantee, and recombine the subdivision into the existing Streetlight Assessment District. Commissioner Thomas seconded the motion and it carried unanimously.

=====

- 4. **REQUEST FROM STEVENSON AND PALMER ENGINEERING, AGENT FOR EAGLE DEVELOPMENT GROUP, FOR THE COUNTY TO RECORD THE FINAL PLAT FOR BERWICK LAKES, PHASE 2, ACCEPT THE SUBDIVISION 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 the request from Stevenson and Palmer Engineering, Agent for Eagle Development Group, for the County to record the final plat for Berwick Lakes, Phase 2, accept the Subdivision Agreement and Financial Guarantee, and recombine the subdivision into the existing Streetlight Assessment District. Commissioner Thomas seconded the motion and it carried unanimously.

=====

- 5. **REQUEST FROM STEVENSON AND PALMER ENGINEERING, AGENT FOR TRIPLE CROWN DEVELOPERS, FOR THE COUNTY TO RECORD THE FINAL PLAT FOR VILLAGE OF WILD HERON, PHASE 3, AND TO COMBINE THE STREETLIGHTING ASSESSMENT DISTRICT WITH THE EXISTING DISTRICT.
[DISTRICT 6.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the request from Stevenson and Palmer Engineering, Agent for Eagle Development Group, for the County to record the final plat for Village of Wild Heron, Phase 3, accept the Subdivision Agreement and Financial Guarantee, and recombine the subdivision into the existing Streetlight Assessment District. Commissioner Thomas seconded the motion and it carried unanimously. Commissioner Thomas seconded the motion and it carried unanimously.

=====

- 6. **REQUEST FROM THOMAS & HUTTON, AGENT FOR SAVANNAH QUARTERS, FOR THE COUNTY TO RECORD THE PLAT FOR STEEPLE RUN AT SOUTHBRIDGE, PHASE 14, LOTS 26, 28, 30, 32, 34, 36, 45, AND 47.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the request from Thomas & Hutton, agent for Savannah Quarters, for the County to record the plat for Steeple Run at Southbridge, Phase 14, Lots 26, 28, 30, 32, 34, 36, 45, and 47. Commissioner Thomas seconded the motion and it carried unanimously.

=====

- 7. **REQUEST BOARD APPROVE AN AGREEMENT WITH THE CITY OF SAVANNAH FOR THE FELL STREET DRAINAGE BASIN SYSTEM WHICH PROVIDES THAT THE COUNTY WILL PAY 30% OF THE SHARE OF THE COST OF CAPITAL IMPROVEMENTS AND MAINTENANCE OF THE SYSTEM.
[DISTRICT 8.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve an agreement with the City of Savannah for the Fell Street drainage basin system which provides that the County will pay 30% of the share of the cost of capital improvements and maintenance of the system. Commissioner Thomas seconded the motion and it carried unanimously.

=====

- 8. **REQUEST BOARD APPROVAL SETTLEMENT OF CHATHAM COUNTY, GEORGIA V. 0.158 ACRES OF LAND; LEROY S. LYNCH AND SASEEN BONDING COMPANY, CIVIL ACTION NO. CV00-1653-AB.**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve final settlement of Chatham County, Georgia v. 0.158 Acres of Land; Leroy S. Lynch and Saseen Bonding Company, Civil Action No. CV00-1653-AB, in the total amount of \$40,000. Commissioner Thomas seconded the motion and it carried unanimously.

=====

9. REQUEST BOARD APPROVE MODIFICATIONS TO THE OVERALL FEE STRUCTURE ASSOCIATED WITH THE RENTAL OF FACILITIES, SPACE, AND BAND SHELL STAGES THAT ARE USED BY THE GENERAL PUBLIC FOR VARIOUS ACTIVITIES.

ACTION OF THE BOARD:

Commissioner Rivers moved to approve modifications to the overall fee structure associated with the rental of facilities, space, and band shell stage that are used by the general public for various activities as hereinafter set out. Commissioner Thomas seconded the motion and it carried unanimously.

Sports and Athletics Fees

Football (night games) - \$750
 Football (day games) - \$650

Space rental policy - Memorial Stadium and other sites

No fee will be charged for parking recreational vehicles and small tents associated with high school and college games.

A fee will be charged (under space rental) for groups setting up booths to sell a variety of items in the parking lot.

Non-Profit Groups (5 hours or less) - \$950
Non-Profit Groups (over 5 hours flat rate) - \$1,250
Profit Making Groups - \$1,900 (or 15% of the gate, whichever is greater)
Parking Lot Rental - \$250 plus 100% utility charges
Special Space Rental - \$200 daily
Maintenance and Lights - \$100 daily, flat rate

Lake Mayer Community Park

Pavilion Rental (night)
Large Shelter (5 hours or less) - \$225
Small Shelter - \$175
Pavilion Rental (day)
 5 hours or less - \$150
 Over 5 hours - \$175

L. Scott Stell Community Park

Pavilion Rental (night)
Large Pavilion (5 hours or less) - \$150
Pavilion Rental (day)
 5 hours or less - \$150
 Over 5 hours - \$175

Other Related Facilities

Community Shelters
 5 hours or less - \$150
 Over 5 hours - \$175
Boat House Rental For Special Groups Monthly - \$150
Space Rental (Special Groups/Concession - Monthly) - \$150
Bait Stand - \$275
Tennis Courts - No Charge

Entry Fees - Sports and Athletic Programs

Basketball - \$75
All Other Youth Sports - \$150
Single Elimination Tournaments and Bowls - \$125
Double Elimination Tournaments - \$175

Band Shell Stages

Band Shell Rental (1 unit)
 (inside County delivery) with platform - \$700
Band Shell Rental (1 unit)
 (inside County delivery) without platform - \$400
Band Shell Rental (1 unit)
 (outside County delivery) - \$1,200
Band Shell Rental (2 units)
 (inside County delivery) - \$1,200
Band Shell Rental (2 units)
 (outside County delivery) - \$2,300

Tybee Pavilion

Rental of one-half (3 hours) - \$400
 Rental of whole pavilion (5 hours) - \$600

Whitemarsh Island Community Center*

Special Events Rental - \$150

Skating Activities**

Monthly Rate - \$225

Special Group (daily rate) - \$75

*Parties, weddings, etc., that are held by private groups/individuals or those activities where participants are charged an admission fee will be subject to the \$150 per event charge. There is no charge for meetings, i.e., town meetings.

**Special groups who charge participants admission will be charged the group rate. There is no charge for those individuals who skate for enjoyment or exercise.

=====

10. REQUEST BOARD APPROVE TRANSFER OF TWO K-9 VEHICLES AND TITLES TO THE NORTH GEORGIA K-9 TASK FORCE AND APPROVE TRANSFER OF ONE K-9 VEHICLE AND TITLE TO GEMA.

ACTION OF THE BOARD:

Commissioner Rivers moved to approve transfer of two K-9 vehicles and titles to the North Georgia K-9 Task Force and approve transfer of one K-9 vehicle and title to GEMA. Commissioner Thomas seconded the motion and it carried unanimously.

=====

11. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING LICENSE FOR 2001. PETITIONER: THOMAS W. WILLIAMS, D/B/A WILLIAMS SEAFOOD RESTAURANT, LOCATED AT 8010 TYBEE ROAD. [DISTRICT 4.]

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the petition of Thomas W. Williams, d/b/a Williams Seafood Restaurant, located at 8010 Tybee Road, for renewal of Sunday sales of beer, wine and liquor pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously.

=====

12. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER POURING LICENSE FOR 2001. PETITIONER: RUSSELL C. DAWES, JR., D/B/A SANTINO'S, INC., LOCATED AT 5548 OGEECHEE ROAD. [DISTRICT 7.]

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the petition of Russell C. Dawes, Jr., d/b/a Santino's, Inc., located at 5548 Ogeechee Road, for renewal of Sunday sales of beer pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously.

=====

13. REQUEST FOR NEW SUNDAY SALES OF BEER AND WINE POURING LICENSE FOR 2001. PETITIONER: HUGH LANGE BARNES, D/B/A BARNES RESTAURANT, LOCATED AT 4685 HIGHWAY 80 EAST. [DISTRICT 4.]

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the petition of Hugh Lange Barnes, d/b/a Barnes Restaurant, located at 4685 Highway 80 East, for a new Sunday sales of beer and wine pouring license for 2001. Commissioner Thomas seconded the motion and it carried unanimously.

=====

14. REQUEST BOARD AUTHORIZE THE CHAIRMAN TO SIGN AN AGENCY APPLICATION AND PARTICIPATION AGREEMENT WITH THE GEORGIA ASSOCIATION OF CHIEFS OF POLICE FOR THE CHATHAM COUNTY POLICE DEPARTMENT TO PURSUE STATE LAW ENFORCEMENT RE-CERTIFICATION.

ACTION OF THE BOARD:

Commissioner Rivers moved to authorize the Chairman to sign an agency application and participation agreement with the Georgia Association of Chiefs of Police for the Chatham County Police Department to pursue State Law Enforcement Re-Certification. Commissioner Thomas seconded the motion and it carried unanimously.

=====

15. 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. Six month software maintenance contract	Police	Admit Computer Services (sole source)	\$15,870	SSD - Police
B. Annual hardware maintenance contract	Police	Motorola Communications (sole source)	\$12,444	SSD - Police
C. Change Order No. 7 to the contract for the construction of the new Tag Office to provide site improvements associated with the entrance drive in conjunction with CARC Organization	SPLOST	Collins Construction Services, Inc.	\$5,335	SPLOST (1993-1998) - Tag Office
D. Change Order No. 8 to the contract for the construction of the new Tag Office to paint steel columns and underside of the roof structure of the existing open bay structure on site	SPLOST	Collins Construction Services, Inc.	\$4,824	SPLOST (1993-1998) - Tag Office
E. Change Order No. 9 to the contract for the construction of the new Tag Office to provide tinting for the aluminum storefront and glass, change the depth of the concrete footings and columns to avoid an existing water line, and replace the split face block with matching brick at the dumpster/-generator enclosure	SPLOST	Collins Construction Services, Inc.	\$1,125	SPLOST (1993-1998) - Tag Office
F. Deductive Change Order No. 1 to the contract for the operation of the Weightlifting Center for a reduction in the price during the last three months of FY 2001	Weightlifting Center	Team Savannah	(\$13,000)	General Fund/M&O - Weightlifting Center
G. Contract for the construction of the Wilmington Park Canal drainage improvements	SPLOST	ARCO, Inc.	\$439,017	SPLOST (1993-1998) - Drainage/-Wilmington Park

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
H. Change Order No. 9 to the contract for the design of the Skidaway Road Widening project to provide additional environmental documentation	SPLOST	Thomas & Hutton Engineering	\$50,648	SPLOST (1985-1993) - Skidaway Road Widening Project
I. Eleven (11) scanners	I.C.S.	Canon USA	\$86,042	CIP - National Guard Renovation
J. Annual contract with option to renew for two additional one-year terms to provide fire extinguisher inspection and services	Various	Savannah Fire and Safety Services	\$9,956.80	•SSD - Various •General Fund/M&O - Various
K. Annual contract with automatic renewal options for three additional years to provide food service for the inmates at the Detention Center	Detention Center	Aramark Correctional Services, Inc. ABL Management, Inc.	\$.707 per meal (\$1,006,414.50) \$.786 per meal (\$1,118,871)	General Fund/M&O - Detention Center
L. Contract for the Bamboo Farm & Coastal Gardens Paving Improvement project	SPLOST	A. D. Williams Construction	\$184,234	SPLOST

As to Items 15-A through 15-J, except Items 15-E, 15-F, 15-G and 15-H:

Commissioner Rivers moved to approve Items 15-A through 15-J, except Items 15-E, 15-F, 15-G and 15-H. Commissioner Thomas seconded the motion and it carried unanimously.

As to Items 15-E, 15-F, 15-G and 15-H:

- E. Change Order No. 9 to the contract for the construction of the new Tag Office to provide tinting for the aluminum storefront and glass, change the depth of the concrete footings and columns to avoid an existing water line, and replace the split face block with matching brick at the dumpster/generator enclosure; SPLOST; Collins Construction Services, Inc.; \$1,125; SPLOST (1993-1998) - Tag Office.**
- F. Deductive Change Order No. 1 to the contract for the operation of the Weightlifting Center for a reduction in the price during the last three months of FY2001; Weightlifting Center; Team Savannah; (\$13,000); General Fund/M&O - Weightlifting Center.**
- G. Contract for the construction of the Wilmington Park Canal drainage improvements; SPLOST; ARCO, Inc.; \$439,017; SPLOST (1993-1998) - Drainage/Wilmington Park.**
- H. Change Order No. 9 to the contract for the design of the Skidaway Road Widening Project to provide additional environmental documentation; SPLOST; Thomas & Hutton Engineering; \$50,648; SPLOST - (1985-1993) - Skidaway Road Widening Project.**

Vice Chairman Thomas recognized Commissioner Jackel.

Commissioner Jackel said, these —, all items have to do with change orders and I just wanted to make sure that all of these were essential. Mr. George Lynch said, very good, sir. Commissioner Murray asked, which one are you on? Commissioner Jackel said, E, F, G and H are all change orders. Mr. Lynch said, they are Tag Office ones, sir. The —, we got a series on the —, of items. One is a switch-out of tinting on the glass. The other one is it does have a cost is quite simply to keep from getting in trouble with your footings and with a pipe that is your primary water line cannot be removed. Minor change in the way the footings are set in so that conflict doesn't occur. The last one has no cost, it's a wash, which is to replace the split face with the brick finish which matches the rest of the building. Those are considered essential. On F —, pardon me. On Item F, this is a deductive change order negotiated with Team Savannah to give us a break in not having to pay a total of \$13,000 during the last three months. The way that happened, background, but I think it's significant, we worked with them on a decrease hours, decrease fee. Try to do it so you minimally inconvenience your customer base. They came back to us and said there is no good way. We said, well, we need your help. They said, we would rather give you a break, eat the cost ourselves rather than totally screw up our client base and at the same time lay off very fine Olympic coaches. We said, great, we're looking for the money to help us with. Commissioner Jackel said, okay. Mr. Lynch said, so I would strongly recommend that one. Commissioner Jackel said, that sounds good. Mr. Lynch said, okay, coming down trying to pick out change orders. Change Order 9 on Skidaway on Change H —, Item H. Commissioner Jackel said, G, there was concern about G. Mr. Lynch said, okay, let's go to G.

Commissioner Murray asked, what is your concern about G? Commissioner Jackel said, well, that's another —. Mr. Lynch said, this is —. Commissioner Murray said, G is a contract for construction of drainage —. Mr. Lynch said, this is the award to ARCO, sir, of the drainage contract, Wilmington Park.

Commissioner Jackel said, I'm sorry. That appears in order. I must have –. Mr. Lynch said, yes sir. Commissioner Jackel said, okay, H then. Mr. Lynch said, okay. Commissioner Murray asked, well, can I go ahead and make a motion we approve G then, since that was –? Commissioner Jackel asked, why don't we do all four of them? Commissioner Murray said, that's fine. Commissioner Jackel asked, what do we have on H? Mr. Lynch said, all right, this is –. Commissioner Jackel said, we've got a substantial number of change orders. Mr. Lynch said, this –, yes, indeed, sir. This is a \$50,000 change order on the design portion. This is where the Federal Highway Administration has directed, as has GDOT, that three additional environmental assessments be conducted. These deal more specifically with historic preservation studies, coordination of community impact with emphasis on Sandfly, and then an investigation to further minimize impact to the Lutten historic district. We have very little choice.

County Manager Abolt said, in 1990 we had hoped to get through with what they referred to as environmental assessment, which is a relatively simple and low cost way of proceeding in Federal funds. Over the life of this project we [inaudible] checkered and prolonged, the Federal government, like George [Lynch] said, has added to the requirements bringing it to the level of an EIS, and that's why you have so many change orders. Mr. Lynch said, very much like painting a moving freight train.

Commissioner Jackel said, okay, I'll move to approve those four items. Commissioner Murray said, second. Vice Chairman Thomas asked, any discussion? Hearing none, please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, okay, the motion is carried. Thank you.

As to Item 15-K:

Annual Contract with automatic renewal options for three additional years to provide food service for the inmates at the Detention Center; Detention Center; Aramark Correctional Service, Inc.; \$.707 per meal (\$1,006,414.50); General Fund/M&O - Detention Center.

Chairman Hair said, all right, let's vote on K because Commissioner Kicklighter and I do really have to leave. I hate to keep the Commissioner and the Board Chairman waiting because this is a very important meeting with lots of money involved. Chairman Hair recognized Mr. Lynch.

Mr. George Lynch said, quite simply, gentlemen, the Board has a couple of options before it with two very fine companies. When the evaluation panel met, made up of two representatives from the Sheriff's Department and two non-Sheriff's Department, the recommendation was to go with Aramark. Absolutely splendid firm, great reputation in prison feeding.

Commissioner Odell asked, may I ask a few questions? Mr. Lynch said, yes sir. Commissioner Odell said, because I'm going to have to run in a few minutes. Is that the same company that we have? Mr. Lynch said, no, ABL is the incumbent contractor, also a splendid firm. Commissioner Odell said, you answered my question. Sheriff, are you happy with the current provider? Sheriff Al St. Lawrence said, absolutely happy. As George [Lynch] pointed out, there was four people on this committee, two of them was our people. They don't agree with this. Let me tell you what this boils down to. There's savings on both sides. This –, the company we presently have will save us \$950,000 over the four-year life of the contract. The other company will save us more, but let me tell you what the problem is. The problem is the Aramark bid, and I think they have a representative here, has to do with the menu. They dropped the –, we're currently serving inmates 3,000 calories per day, okay, plus as a matter of fact. The Aramark bid is at 2,800 calories. We even had a dietitian from St. Joseph's look at it. Let me tell you something, when you're 250, 300 people overcrowded, you can talk about medical that might affect 50% of the inmates, but food affects 100%. Now, Col. Holmes has researched this thing, we've hashed this thing and, you know, I'm telling you healthy man is that jail. Let's don't cut back on the food service –.

Chairman Hair asked, Sheriff, you're recommending ABL, right? Sheriff St. Lawrence said, absolutely. Chairman Hair asked, the current contractor? Sheriff St. Lawrence said, yes –. Chairman Hair said, and not Aramark. Sheriff St. Lawrence said, and we'll save \$950,000 from our current –.

Commissioner Odell said, I'll make a motion to approve the Sheriff's recommendation, ABL. Chairman Hair asked, second? Commissioner Thomas said, second. Commissioner Gellatly said, second. Chairman Hair said, second. Commissioner Gellatly then Commissioner Murray. Commissioner Gellatly said, well, I have no question, I just seconded the motion. Chairman Hair said, oh, I'm sorry. Commissioner Murray has a question.

Commissioner Murray said, yes, my question is you say you save \$950,000 over a four-year period. What's the savings –? Sheriff St. Lawrence said, \$230,000 a year below what we're paying now. Commissioner Murray said, no, no, no, that's not my question. My question is how much are you going to save in this firm the first year? Sheriff St. Lawrence said, the first year it's going to be about \$100,000 more with the other firm, but –. Commissioner Murray said, that's not what the figures in here show. Sheriff St. Lawrence said, Commissioner Murray, they're going –, well, we say \$230,000 and they're right at \$400,000, it's my understanding. Somewhere thereabouts, but they go up the second year and they go up the third year and they go up the fourth year. ABL's contract stays steady for four years. The first year and the three rollover years, but the biggest problem I have with this thing is we're cutting back on what we're giving them now, and with this overcrowding situation –, and let me tell you, they don't eat steak and baked potato, to start with, and I don't need to cut back. ABL gives orange juice every morning to the inmates. That might not sound important to some people, and they –, the Aramark bid provides for none. The evening meal provides for three ounces of meat on the ABL bid, only two ounces

of meat on the Aramark bid. Now we've got to feed these people. It helps us to manage the population. That's simply what I'm saying. Chairman Hair said, it makes a lot of sense to me.

Commissioner Jackel said, Mr. Chairman. Chairman Hair said, as soon as Commissioner Murray's finished. Commissioner Jackel said, okay. Commissioner Murray said, I am right now. I may come back. Chairman Hair said, okay, Commissioner Jackel. Commissioner Jackel said, I had two things. I certainly hear what you're saying and I agree with that and I want to take just a brief second to congratulate our new correctional – Sheriff St. Lawrence said, Jail Administrator. Commissioner Jackel said, Jail Administrator. I was unfortunately unable to attend that ceremony. I had a prior commitment, but I –, you've done a good job and I know you'll do a good one in the future. Chairman Hair said, he did a great job and Commissioner Gellatly and I, both of us were at the –, and he is –, it's a great decision I think the Sheriff made and Mac [Holmes] is going to do a great job.

Chairman Hair said, we have a motion and a second to approve the ABL. Commissioner Odell said, call for the question. Chairman Hair said, call for the question. All those in favor of ABL vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Rivers, Jackel, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Murray voted in opposition. The motion carried by a vote of eight to one.

Chairman Hair said, before I get to the others I am going to have to leave because again I don't want to keep those two gentlemen waiting, Commissioner Kicklighter and I. I apologize for leaving, but it is very important that Commissioner Kicklighter and I be at this meeting.

As to Item 15-L:

Contract for the Bamboo Farm & Coastal Gardens Paving Improvement Project; SPLOST; A. D. Williams Constructions; \$184,234; SPLOST.

Commissioner Rayno said, I'll make a motion to approve so I can vote against it. Vice Chairman Thomas asked, do I have a second? Commissioner Jackel said, oh, that's the Bamboo Farms. Mr. Lynch said, that's the Bamboo Farms contract award. Commissioner Rayno said, motion to approve. The Clerk said, you can't vote against it if you make the motion. Commissioner Jackel said, I'll move to approve. Commissioner Murray said, yes, it can. The Clerk said, no, not if you –, if you're the maker of the motion you cannot vote against it. You can second it and vote against it, but not as the maker. The maker must vote for it. Commissioner Jackel said, I'll move to approve. Commissioner Murray said, well, I've voted against it before. Commissioner Jackel said, we've been telling you you've been doing things wrong. Vice Chairman Thomas asked, do I have a second? The Clerk asked, I'm sorry, who made the motion? Commissioner Jackel said, I'll make the motion to approve. The Clerk said, thank you. Vice Chairman Thomas asked, do I have a second? The Clerk said, you can second and vote against it. Commissioner Rayno said, oh, second. Vice Chairman Thomas said, all in favor, please vote. Commissioners Jackel and Thomas voted in favor of the motion. Commissioners Rayno, Murray and Gellatly voted in opposition. The motion failed by a vote of three to two. [NOTE: Chairman Hair and Commissioners Rivers, Odell and Kicklighter were not present.]

Mr. Lynch said, ladies and gentlemen, this is the item that the funds have been transferred –. Commissioner Murray said, yes, but you're not going to build it. Mr. Lynch said, sir? Commissioner Murray said, you're not going to build it based on that vote. Mr. Lynch said, that's the point that I am making is –. Commissioner Murray said, that's what I just said. Mr. Lynch said, that –. Commissioner Murray said, thank you. Mr. Lynch said, thank you, sir. Commissioner Murray said, and you don't need to say anything else.

ACTION OF THE BOARD:

1. Commissioner Rivers moved to approve Items 15-A through 15-J, except Items 15-E, 15-F, 15-G and 15-H. Commissioner Thomas seconded the motion and it carried unanimously.
2. Commissioner Jackel moved to approve Items 15-E, 15-F, 15-G and 15-H. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]
3. Commissioner Odell moved to approve the firm of ABL Management, Inc., on Item 15-K. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Jackel, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Murray voted in opposition. The motion carried by a vote of eight to one.
4. Commissioner Jackel moved to approve Item 15-L. Commissioner Rayno seconded the motion. Commissioners Jackel and Thomas voted in favor of the motion. Commissioners Rayno, Murray and Gellatly voted in opposition. The motion failed by a vote of three to two. [NOTE: Chairman Hair and Commissioners Rivers, Odell and Kicklighter were not present.]

=====

XI. FIRST READINGS

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

None.

=====

XII. SECOND READINGS

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 PLUS AMENDMENT TO FINES THAT CAN BE IMPOSED.

Commissioner Rayno said, motion to approve. Commissioner Gellatly said, second. Vice Chairman Thomas asked, any discussion?

Mr. Vinney Dober asked, how y'all doing? I'm Vinney Dober, a resident of Chatham County, life long, and I was down here when y'all first met down here and discussed closing the landing. Is that still on the table to close this landing? Partially, temporarily? Commissioner Jackel said, the motion before us is to keep the ramp open with certain conditions. That is -. Mr. Dober asked, putting up a gate? Commissioner Jackel said, that the boat ramp will be closed from 9:00 p.m., until 6:00 p.m. [sic]. These times have been selected to coordinate with the police shift changes.

Commissioner Murray asked, can I make a comment? Vice Chairman Thomas recognized Commissioner Murray. Commissioner Murray said, yes, while you're up there, could you tell -, and maybe you've talked to everybody on the Commission, I don't know, but when you called me the other day -. Mr. Dober said, yes sir. Commissioner Murray said, and told me about everything that some of the citizens have done to go down there and help clean the area up and some things that have transpired in that process, and I think if they haven't heard it, I think the need to know it.

Mr. Dober said, yes sir, well, this past Saturday a group of about 20 citizens took it upon themselves [sic] to go down there and they basically cleaned up the right-of-way down there. Now, in the process of doing so, it seemed to have irritated one of the landowners, Mrs. Shields. She came out and was highly irritated about the men down there working cleaning up the landing. I found that pretty disturbing. The men stopped work upon her complaining and called up the Chatham County Police. They came down there, they asked the men what they were doing, they told them. They talked to Mrs. Shields. The Chatham County Police officers came back over there and said, y'all got 30-foot, clean it, I think that's a hell of a thing y'all are doing. So that's what we did, so we cleaned it all the way down. Commissioner Rayno said, Madam Chair. Mr. Dober said, now in the process of cleaning it, a couple of things that we did -, we did that on the advise by the way of Mr. Kicklighter at the last meeting. He said, why don't a group of y'all citizens take it upon yourself to take ownership of the landing and clean it up, so that's what we started to do, is the reason why we did that, but some of the neighbors down there came by and commented how nice it was looking, how good of a job we were doing. One neighbor gave some money and donated to the cause for fuel. There were some poles down there. I've got some pictures here I'd like to pass around to y'all. I'd like for y'all to see some of the pictures in a few minutes of the poles. The poles were down there and I assume that they were down there, the only reason I can figure out was to protect the fences that run along the side of the right-of-way. The poles were put on the ground and metal stakes were driven into the ground alongside of the poles to keep them in place, and -, and the metal stakes were driven into the ground to hold the poles to keep them from rolling further in the landing, and they were put in approximately four foot from one fence line and approximately four foot from the other fence line, taking up approximately eight feet of the width of the right-of-way. Those metal stobs that they drove down in the ground were popping the tires on people's cars when we were going down there and parking and trying to leave. Any time a car tire would scrub up against or come close to those metal poles or come in contact with one of those metal stakes, it would rip it and cut it and pop it and flatten it in a matter of about [snaps fingers] that fast. One of the news crews went down there the last time we met down there, the last time I was down there, one of the news crews went down there and, as a matter of fact, they cut a tire on those metal poles. So we moved them. We took them up and we moved them for two reasons: one, they were cutting tires and, number two, there was no way we could clean those -, clean that fence properly with those poles down there. We couldn't subject ourselves of standing up poles running chainsaws. Now we moved the poles and we took them to a resident right there locally in the neighborhood. The reason why we did that is because we wanted to make sure that the poles were not stolen and we get the blame for it. We immediately on Monday, we made several attempts to contact the County to tell them to come either pick up the poles, we'd take them back down to the landing, whatever they wanted to do. We didn't get any response from the Parks and Recreation service. All we could talk to was the secretary. On Wednesday afternoon at two o'clock I was at the landing, and Mr. Lorenzo [Bryant], a guy -, fellow by the first name is Lorenzo [Bryant], he happened to be at the landing and I talked about it and I told him, look, I know where the poles are at, let me make sure they're there and you can come by and pick them up or do what you want to. He said, well, what was wrong with the poles. I explained to him and he goes, well, that was a bad idea, we shouldn't have done that in the first place. So he basically agreed with me that those poles shouldn't be there. So now in a recent turn of events we have been instructed to return the poles back to the landing and they will be back at the landing tomorrow, and the County can do so what they wish with them. Some other turn of events that happened, I got copies of a police report. Since the citizens down there at our first meeting were complaining about all the trash and dumping and everything else, and some citizens are down there trying to clean it up, I thought it very interesting that a police report gets written up describing how one of the citizens, one of the landowners adjacent to the landing is dumping tree limbs and boards in there. If y'all don't have a copy of this, I'll be glad y'all a copy of each one of them. I also have some more pictures here I want to pass out.

Commissioner Rayno said, Madam Chairman. Vice Chairman Thomas said, yes. Commissioner Rayno said, if he's finished I'd like to ask questions. Are you done, sir? Mr. Dober said, no sir. Commissioner Rayno said, okay.

Mr. Dober said, those pictures are numbered one through eight, except the one y'all already have seen. I think that was number five. The numbers are on the back, but I'll give y'all descriptions of what you're looking at and when you look at it, you'll know what you're looking at. The offender on the police report is a fellow by the name of Anthony Bonds. Well, Mr. Bonds is more or less a local handyman around there, and he does work quite often for the Olivers that live adjacent to the landing. Well, a big tree limb fell on their property and Mr. Bonds, either on his own terms or was instructed to, decided to remove the limb and when he removed the limb, on that first picture, he took it out of the front entrance to the Oliver's residence, which is 528 Whitfield Avenue, and if you note on that picture there is room next to that main road out there, Whitfield Avenue, there is room between the road and their fence to place that limb for the County to come and pick up. However, this gentleman —, I guess it was that gentleman, I'm not sure if it was him or the landowners themselves. I heard it was him, and he's on that police report so I'll assume it was him, anyway he drags it out of that entrance. The second picture depicts the entrance to the property and the drag marks of the limb, and you can note the mailbox number on the right, like we didn't go to another location and take a picture with drag marks. Picture number three is further evidence of where the limb came from, as you can see all the broken twigs and branches and all right there in their driveway. The fourth picture shows that the limb was dragged the total 850 feet all the way down to the bottom of the landing. Number five and six shows the limb dumped in the landing, and number five also shows —, y'all had that earlier about those metal poles I was talking about that cut the tires. Picture number six shows boards from dock repair from that same address that were dumped in the landing, and number seven shows a sign that clearly says no dumping allowed by the Chatham County Police Department. Pictures number five, six and eight also show the overgrown conditions and how much area that was taken up by the poles. It shows that I am telling the truth about this. I believe in the truth. If you look at one of those pictures, I think it's number eight, you see a dark line in the picture, and that's what's left of this fence that they're trying to protect. It's nothing but the rail in parts of it. There are some cyclone places in it, but the landowner, if you'll notice how overgrown it is, I don't think the landowner's down there that concerned about that fence because they haven't taken up the time to clean their own fence up. It's got bushes and trees and everything else growing all on it, but yet they're so concerned that somebody's going to go down there and bump it with a car door. So concerned that they asked the County to come down there and take an expense to put these poles in to protect it. When the thing —, well, what's really holding up the fence is the trees. Also down at the landing, I'd like to express to y'all, there's some parking signs down there that says do not park beyond these signs. There's two signs at the landing, which limits the amount of parking that we have available down there, yet on the Oliver's residence side he's poured him a concrete slab which extends into the landing property and parks his car there most of the time. We have to come by it to get to the landing, but we can't park our boats and trailers —, our trucks and trailers, yet he gets to park his car there. It's supposed to be a 30-foot right-of-way. Well, I can read a measuring tape just as good as anybody else, and I'm going to tell you here that between those fences if you look closely enough it's less than 30 feet. I've measured it myself. Everybody seems to want to make this a very complicated issue. I like things to be simple myself.

Commissioner Jackel said, Mr. Dober, what we have before us is whether we're going to adopt this thing or not. Mr. Dober said, yes sir. I'm going to petition you, sir, if I could to make a motion not to temporarily or partially close the landing, if I could, sir. Commissioner Jackel said, well, I think that's what it needs to be addressed then. Mr. Dober said, that's what I'm addressing.

Mr. Dober said, when we went down there and cleaned up the landing, I had talked to Mrs. Shields previously before we went down there and told her we were coming down there to do that, and she was very adamant about not wanting to clean up any part of it. We even offered to clean up some of her property and, I don't know why she would reject our efforts to clean that property up and make it look better. I don't know why anybody would. If I'm walking in the park and see a cup on the ground, I'm the type of person that'll pick it up and throw it in the trash can. I don't see what's wrong with that. Dragging the tree limb down there is just one of the extremes that Mr. Oliver seems to want to go through to try to block people off from using that landing. Commissioner Rayno said, sir, Mr. Oliver is dead. He's been dead for a —. Mr. Dober said, I know where the Olivers —, I know he's dead. His wife's still living though. The Olivers, Mr. Oliver, whatever —. Commissioner Rayno said, I know, but you said Mr. Oliver dragged —. Mr. Dober said, I'm sorry, Mrs. Oliver, but she's got people hired to do these things. Commissioner Rayno said, and in the last meeting you were talking about Mr. Oliver and he was still dead then. Mr. Dober said, well, excuse me, sir. Yes, he is dead. Commissioner Rayno said, I think you making things up is what I'm —. Mr. Dober said, I'm sorry. Vice Chairman Thomas said, excuse me. I think we need to stick to what we're —. Mr. Dober said, excuse me if I made that mistake. Mrs. Oliver lives there. Yes sir, you are correct, he is dead. They complained about people dumping stuff in the landing, yet the landowners down there do themselves dump in it, and that was their whole concern about wanting to shut it down at night or shut it down temporarily or close it permanently. It was all these illegal activities going on down there. Y'all had mentioned about wanting to put up a gate down there, well you just —, in my opinion, you're just giving them something else to complain about because how are you going to stop somebody from vandalizing the gate? You're going to cut off that river's only access to that river in emergency situations. Somebody gets hurt out there, you've got citizens here where somebody's had a heart attack while they're out there on the river and they brought them up to the landing and met the ambulance and carried them to the hospital. What happens there? You'd have to ride all the way all the way, an hour in a boat. If you're flying a helicopter out there to pick up people, that's another consideration for keeping it open 24 hours, seven days a week, like the rest of the landings are in the County. The —, if you go —, I hunt in Pembroke and we have about 22 gates at our hunting club, and out of the 22 gates we average about three a year that we have to repair, and the reason why we have to repair them is because people come down there and hook a 4-by-4 truck up to it and snatch them down, plain and simple. So that's my [inaudible] where you're going to have something else you have to deal with, another problem you have to deal with if you put a gate up down there. What I'm trying to tell you is that the police patrols, they have police patrols down there, and talking with several of the officers down there, I think y'all have instructed them to go by about three times a shift if possible. That's seems to help stop a lot of this. Young kids, I think the word's gotten out in the street that the police are present down there, so let's keep that up, keep them going down there at regular intervals. Why don't we just put up a sign that says

from 8:00 p.m. to 8:00 a.m., this area is restricted to vehicles launching or retrieving water craft only, and let's police that. I say let's take this opportunity to improve that landing down there. The citizens down there and that community of Chatham County have demonstrated the will to assist the County, and we'd like to continue to do so. All of us working together along with the County's support. I tell you what I envision. I envision a paved road with curbing going down there, 30-foot wide all the way down that 850 foot stretch. I ain't talking about tomorrow, but maybe in the future. I have a vision of a built-up boat ramp and the mud don't come into it or flow into it. It might take a little time to get that done. With the curbing on each side, that will protect the landowners' property on each side of it, we can get that done. Maybe even a wooden walkway to a floating dock out there, like some of the other public facilities have. But closing it part of the time, I see that as being closed –, as being –, as them winning their closure 50% and that they're halfway there to get it closed full time. It would be just the beginning of the closure, and if you close this landing, you would have lost a valuable and irreplaceable asset to the community and the citizens of Chatham County. I would like to see it stay open 24/7. Do y'all have any questions for me?

Commissioner Rayno said, sure. At the last meeting you said you'd be happy just to leave it the way it was, now this meeting you want to develop it into a full-fledged modern boat ramp with paving, a wood deck, the whole nine yards. A big switch. Also, you keep mentioning Mr. Oliver, last meeting, this meeting, when in fact he's dead, and also you talk about Mrs. Oliver instructing someone to drag a thing down that road, she's been out of the country now for about four to five weeks. Even at the last meeting, she was out of the country. How did this person get any instructions from her to do that when she's out of the country? Mr. Dober said, well, it's obvious that he did it. Do you agree with that, Mr. Rayno? Commissioner Rayno said, but he may have done it at his own accord. It's like we talk about employees doing things all the time on their own accord. There's a [inaudible] some other guy dumping stuff over in the Montgomery area after he cleans the church's property. Do you think the church instructed him to go over into the public area and dump leaves over there? No, they don't do that. Mr. Dober said, Mr. Rayno –. Commissioner Rayno said, when you called Mr. –, when you called Mr. Golden's office to ask him a question the other day, who did you speak to? Mr. Dober said, the first lady that answered the telephone. Commissioner Rayno asked, and what did you say to her? Mr. Dober said, I asked her actually to talk to Mr. Lorenzo [Bryant], the person I met down there, and Mr. Golden or her, when she couldn't –, I gave her my phone number, my mobile number, my home number and nobody responded back to me because they were all out to meetings or in the fields or wherever they're gone, doing whatever they do. Commissioner Rayno said, here's the story I heard about Saturday was that Mrs. Shields went out there and she was told by you that you were authorized by the County to clean up that boat ramp and then you proceeded to take County property, the telephone poles, and put them on the back of a vehicle and remove them from that property to an undisclosed location. When I called the police on Monday, they had no idea where those poles were and they were going to have to assign a detective to find those poles, to find that property, County property put there by County expense and County time, County workers. I found those poles 20 minutes later in the yard of the Websters. Mr. Dober said, that's correct. Mr. Dober said, he told me you put them there. Didn't say you were authorized to do it. Nobody gave any authorization to do that. Nobody. Mr. Dober said, I think the logic behind it, Mr. Rayno, I'm not going to get in a match with you, but I think the logic behind that is just to save people from cutting tires on them. I mean, about seven or eight instances of tires were cut down there on those poles. Commissioner Rayno said, well, you cannot take it upon yourself to take County property and remove it. It's like going out to Tybee Pier and removing benches because you feel they're unsafe, or going over to Lake Mayer and removing equipment that you feel is unsafe, pulling out a whole play yard because you feel it's unsafe. People just don't do that, and I think the attitude you displayed with Mrs. Shields is one of a vengeful spirit that made her afraid for her safety, which is why she called the police. Mr. Dober said, I want to tell you something, Mr. Rayno, I was not there Saturday. So you're directing your questions at me, just like Mr. Oliver's dead, I was not there Saturday. I'm speaking –. Commissioner Rayno said, oh, well, you described the whole event Saturday for us as if you were there. Mr. Dober said, oh, no sir. I didn't say that I was there.

Commissioner Jackel asked, can we move on with this thing. I think we –. Vice Chairman Thomas said, yes, I think we –.

Mr. Dober said, but, I mean, I don't want to –, but to answer your question whether they know about these –. Commissioner Jackel said, we want to move on. We want to move on. Mr. Dober said, the first date on this police report is January 15. You notice that first date? That was the report of the dock boards being thrown in the landing. Were they out of town then also, sir?

Commissioner Jackel said, I want to say that I think it's great that the citizens have organized to go out there and clean up the area. I think that we're getting additional police and that's great. Now we've got to decide whether we want to close this thing from 9:00 p.m. until 6:00 or keep it open 24 hours.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, yes, I was just going basically to say the same thing Martin [Jackel] did. I think it's great when you get citizens involved to help –. Vice Chairman Thomas said, right. Commissioner Murray said, and maintain some of the facilities. I really did not realize we were going to get into –. Vice Chairman Thomas said, the whole [inaudible]. Commissioner Murray said, all of it, but that's fine. I certainly don't want to deny them their right to speak either, but I do think when you get citizens involved in helping maintain facilities, whether it be a boat ramp or a recreational facility of any type, then everybody in the community is better off for that. So, basically that's all I wanted to say, and if we're ready to vote, we're ready to vote. I'm ready to vote.

Vice Chairman Thomas said, okay. I just wanted to say I agree too that citizens' input and participation is really good because then they become, you know, co-owners and they will have a better feel of the whole surroundings, so we applaud

them for that. And now it now becomes the time –, a question in terms of are we ready to vote? Do I have a –? Do you want to speak? Please come forward.

Ms. Gwen Webster said, my name is Gwen Webster, and we were at the last meeting and we took it upon ourselves to go down and clean up the ramp. The poles were in the way of getting this done. We had all intentions of putting the poles back when we had finished grading the road. Mr. Rayno came to my driveway, did not bother to come to my house and ask any questions whatsoever. He told me son –, he asked him, who had given them permission to leave these poles. He said the Commissioners had given permission to clean the ramp, but he didn't say anything about poles or anything like that. He said that, yes, they had to leave the poles. He did not say that the intentions were when they were finished grading the road and finished cleaning it all up to put the poles back exactly like they were found.

Commissioner Jackel said, that's not the issue before us. There's nothing on the agenda about poles. Ms. Webster said, I understand that. Commissioner Jackel said, the issue on the agenda is what –, are we going to keep this thing open. That's the issue. Ms. Webster said, I understand that. Commissioner Jackel said, and what's going to happen is you're going to drag this out and I'm going to walk out and then they're not going to have a quorum and we won't get anything done. Ms. Webster said, I just would like them to know that we saved a lot of land –, lives down at the landing down there. It's not the idea of the poles and the cleaning or whatever –. Commissioner Jackel said, I could care less about the poles. Maybe he does, but I could care less. I'm ready to move –. If you want to discuss the issue, that's fine, and the issue is should we keep it open 24 hours or from six in the morning until nine at night.

Ms. Webster said, well, I think that for emergency purposes it would like to be –, to stay open because there's a lot of times at night that we have gone to the boat with people that have heart attacks, fires and whatever, and that is the quickest way to get there is through that little landing and doesn't take so much time, and if it's blocked off, then it takes us an hour or better to get to that position, and that's my concern. It's not whether the poles or there or whatever, it's the safety factor of a lot of fishermen down on that river.

Vice Chairman Thomas said, thank you. Thank you very much. Do you wish to speak? Please be brief.

Mr. Robert Webb said, my name's Robert Webb. I've used that landing probably most of my life. As far as closing at night, a lot of people use it at night, prefer to use it at night. I think we ought to leave it open 24 hours a day, and the community getting involved in this thing and keeping the landing clean and with the police protection going down there on a regular basis, I believe that it will end the problems that's been going on down there in recent years. And all I ask is that y'all just give us a chance. Put up some signs and let the people know that's caused this trouble what's going to happen if they're caught down there. It's a boat launching facility, it's not a partying zone, it's not a drinking zone, it's not a bedroom for sexual activity. It's a boat launching landing. If anybody gets caught down there not launching a boat, they ought to be launched to jail. Thank you.

Vice Chairman Thomas said, thank you. Do I have a motion? Commissioner Rayno said, yes, my motion's to approve and it was seconded. I'd like to call the question. Vice Chairman Thomas said, okay. All in favor –.

Commissioner Jackel said, I'd like to amend that motion that it stay open 24 hours. Commissioner Rayno said, I won't accept that amendment.

Vice Chairman Thomas said, okay, then we'll vote on this and then you can –. All in favor of the motion, please vote yes or no. Commissioners Rayno, Jackel, Gellatly and Thomas voted in favor of the motion. Commissioner Murray voted in opposition. Vice Chairman Thomas said, there's five of us. Okay, so the motion's carried. Commissioner Jackel said, okay, and now I'd like to move that we change this thing that we allow it to be open 24 hours. Vice Chairman Thomas asked, is there a second?

County Manager Abolt said, I need to get legal advice. I want to make sure on passing an ordinance, you may require five votes. Vice Chairman Thomas said, right, okay. County Manager Abolt said, we're going to have to run down Emily [Garrard]. Vice Chairman Thomas said, okay, we'll wait for that. We only have five people. Because we only had four, right. County Manager Abolt said, it may be. Commissioner Murray said, well, if that's the case, I will change my vote against it so I could vote in favor of the 24 hours. Vice Chairman Thomas said, I'll change mine too, if need be. I said, if need be I'd change mine too. Commissioner Murray said, I thought you voted yes. Vice Chairman Thomas said, oh, okay, it wouldn't make any difference anyway.

Commissioner Jackel asked, you're going to change yours? Commissioner Murray said, yes, I'll go ahead and change it just to save time. Just change my vote to a yes. The Clerk said, okay. Commissioner Jackel said, all right, then if –. Commissioner Rayno asked, how can you change a vote after it's been taken. You can't do that. Commissioner Murray said, I just did it. Commissioner Rayno said, I don't think so. Commissioner Murray said, it's been done ever since I've been on this Commission if somebody wants to change a vote, they can change it while the motion's still there. Now if we moved to another item, which we haven't done yet –.

Commissioner Jackel said, okay, I'll move that we keep the –, amendment that we keep the boat ramp open 24 hours. Do you want to second that? Commissioner Murray said, certainly. Commissioner Jackel said, we've got a second. Vice Chairman Thomas said, all right, it's been moved and seconded that we keep the boat ramp open –. Commissioner Jackel said, with the necessary signs. Vice Chairman Thomas said, with the necessary signs and et cetera. All in favor of the motion, let it known by voting. Commissioners Jackel, Murray and Thomas voted in favor of the motion.

Commissioners Rayno and Gellatly voted in opposition. Commissioner Jackel said, but have we still got --, we've still got the question of whether we need five votes or not.

Assistant County Attorney Emily Garrard said, in the Enabling Act it says no ordinance shall be adopted until it has been read or presented in written form at two meetings held not less than one week apart. The affirmative vote of a majority of the full membership of the Board of Commissioners shall be required for the adoption of --. Vice Chairman Thomas said, so it's got to be five. Commissioner Jackel asked, I'm sorry, what was that now? It said that a full --? Ms. Garrard said, the affirmative vote of a majority of the full membership of the Board of Commissioners shall be required for the adoption of any ordinance. Commissioner Jackel said, of any ordinance. Ms. Garrard said, yes sir. Commissioner Jackel said, so we have to have five. Vice Chairman Thomas said, five. Commissioner Jackel said, we had five to keep it open, but we didn't have five for 24 hours. Commissioner Murray said, well 24 hours was not an ordinance.

Vice Chairman Thomas asked, what did we have? Ms. Garrard said, if there is a change on it, it would have to come back for a first and second reading. Commissioner Jackel asked, an amendment to a newly enacted ordinance? Ms. Garrard said, yes sir. I think that would be correct. If the Commission has already voted to adopt the amendment to the ordinance, then I think, you know, if you want it to be changed, staff would have to look at it again and then come back to the Commission and the Commission would have to hold a first and second reading to consider it. Vice Chairman Thomas said, okay, so what's the decision? I'm sorry, I didn't hear what you were saying, Emily [Garrard]. Ms. Garrard said, I was saying that right now if the ordinance has been amended, if I understand it, by a vote of five people, is that right? The Clerk said, correct. Vice Chairman Thomas said, yes. Ms. Garrard said, therefore, if a Commissioner wants to move for reconsideration --.

Commissioner Murray said, hold on. I changed my vote before we went into another issue, so we had five votes. Commissioner Jackel said, we had five votes. So we're just --, the initial thing passed. Now the question is we only had three votes to amend that from 6:00 to 9:00 to 24 hours. Ms. Garrard said, then the amendment would fail. Commissioner Jackel said, the amendment would fail. Commissioner Murray said, so the original motion is passed, is that what you're saying? Ms. Garrard said, yes sir. Vice Chairman Thomas said, okay.

Commissioner Jackel said, then I will ask staff to start the process to see if we can open for 24 hours. Vice Chairman Thomas said, okay.

ACTION OF THE BOARD:

Commissioner Rayno moved to adopt a 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 plus amendment to fines that can be imposed. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Rivers, Odell and Kicklighter were not present.]

=====

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.

=====

- 2. **LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED).**

ACTION OF THE BOARD:

Written report received as information.

=====

3. INTERIM FINANCIAL STATEMENTS FOR THE FISCAL YEAR 2001 THIRD QUARTER REPORT AND A MID-YEAR BUDGETARY REVIEW.

ACTION OF THE BOARD:

Written report received as information.

=====

EXECUTIVE SESSION

Upon motion being made by Commissioner Gellatly, seconded by Commissioner Jackel and unanimously approved, the Board recessed at 2:25 p.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 2:46 p.m.

=====

ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

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

=====

APPOINTMENTS

1. SAVANNAH-CHATHAM COUNTY CONSOLIDATED STUDY COMMISSION

ACTION OF THE BOARD:

Commissioner Murray moved to appoint Major William L. D. (Bill) Lyght, Retired, and Mr. Joseph F. Hamlet as members of the Savannah-Chatham County Consolidated Study Commission, with Major Lyght to serve as a Co-Chair on behalf of the County. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Rivers, Odell and Kicklighter were not present.]

=====

2. TRIPARTITE COMMITTEE

ACTION OF THE BOARD:

Commissioner Jackel moved to Brian L. Daly and Thomas R. Bateski to serve on the Tripartite Committee with their term to expire on May 11, 2004. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Rivers, Odell and Kicklighter were not present.]

=====

ADJOURNMENT

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 2:48 p.m.

=====

APPROVED: THIS _____ DAY OF _____, 2001

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

SYBIL E. TILLMAN, COUNTY CLERK