

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, MAY 25, 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 25, 2001.

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II. INVOCATION

The Reverend Ric Smith, Minister of Discipleship and Family Life, Bull Street Baptist Church, gave the invocation.

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III. PLEDGE OF ALLEGIANCE

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

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IV. ROLL CALL

The Clerk called the roll.

- PRESENT: Dr. Billy B. Hair, Chairman
- Dr. Priscilla D. Thomas, Vice Chairman, District Eight
- Frank G. Murray, Chairman Pro Tem, District Four
- Jeffrey D. Rayno, District One
- Joe Murray Rivers, District Two
- Martin S. Jackel, District Three
- Harris Odell, Jr., District Five (arrived approximately 10:00 a.m.)
- David M. Gellatly, District Six
- B. Dean Kicklighter, District Seven

- IN ATTENDANCE: R. E. Abolt, County Manager
- R. Jonathan Hart, County Attorney
- Barbara B. Wright, Acting County Clerk

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

None.

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VI. CHAIRMAN'S ITEMS

1. DISCUSSION OF SENDING OUT RFP FOR AMBULANCE SERVICES.

Chairman Hair said, I would like to request my fellow Commissioners to ask us to direct staff to send out an RFP to see what we might get in terms of proposals for ambulance services. I think, considering our current budget situation, we need to try to look at all avenues and the only thing I'm asking this morning is that we send out an RFP to see what's out there,

and once we get the RFP's back we can reject them all, throw them in the trash can or whatever, or we can adopt them, but just to see what's out there, just ask staff to see. Does anybody object to that? Okay. Thank you very much.

Commissioner Murray said, let me, just for clarification. In other words, if this goes out, it's not saying that when it comes back we are going to do away with the County EMS? Chairman Hair said, absolutely. It's just to see what —. Commissioner Murray said, because I will say up front before that takes place, I'm opposed to doing that. Chairman Hair said, okay. Well, we'll see what's out there and that's all we're asking is just to see what proposals we get.

ACTION OF THE BOARD:

The Board directed staff, in light of the current budget condition, to send out RFP's to see what proposals the County will get for ambulance services. This is just a fishing expedition and does not mean that when they come back the County will do away with

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VII. COMMISSIONERS' ITEMS

1. JIM SHEFFIELD, OWNER OF THE SANDFLY CONVENIENCE STORE, ON WORKING WITH AUTHORITIES TO CURB UNDERAGE DRINKING (COMMISSIONER RAYNO).

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, yes, we've been having an ongoing discussion about trying to curb underage drinking, and I'd like to try to move that forward. We have some local business people that are very concerned about being participants in helping solve the problem, and I talked to Mr. Sheffield the other day. He's very articulate and I think he will have some great things to tell us.

Chairman Hair recognized Mr. Sheffield.

Mr. Jim Sheffield said, thank you. Like I say, again my name's Jim Sheffield. I'm a convenience store owner/operator. I have six locations in the City and the County. My first one was in Sandfly and that's the reason I've just taken that name and gone from there. Really what has gotten me here, I happened to be flipping through the channels early this month and I the meeting at the time that I flipped through was about underage drinking. Most of the concerns, the comments were on convenience stores and some of the problems I've had in the past and some of the issues I heard concerns, and I said —, I waited until the next day and I called Commissioner Rayno. I said, hey, you know, I'd like to let you and maybe the Commissioners understand my viewpoint and understand where we're at and what we're trying to do, and that's pretty much what's got me here. And first, I'd like to address real quick one or two or three issues that all of y'all were going over what I had heard. I think the first one was the access to the minors, and that's the biggest concern that we have. As a convenience store operator, we all know people make mistakes. My employees have made mistakes, we've all sold to minors in the past. It's happened, but the majority —, I heard you were talking about big parties where a bunch of minors were all drinking. 18, 19, 20 year olds, I find out that most of those they've got friends that are 21 years old. They come right in the store with them, they buy whatever they want, ID the 21 year old, you ask them, they walk outside and they're gone. If you ID the person, a minor, they don't have it, they walk outside and they're gone. 10 or 15 minutes later you might see a full grown adult come in, pick up the same package of beer that that person tried to buy, maybe get them a tall-boy, they go out, and you know what's going on. The minor's gone outside and they've asked an adult to go in and buy it and, say, get yourself a tall-boy while you're at it. It happens. I think one of the statements, it might have been Ms. Thomas or one of —, it might have been —, I think it was Harris Odell talking about where some of the kids were getting it from. The truth, you know, well, they were saying they get it from their parent's house, and that may be true, you know, they get it out of their parent's refrigerator, liquor cabinet, you know. I'm sure that happens, but that's something probably the parents should try to curtail. But I just wanted you to access that those things happen in the all stores, and that's how I believe most of them are getting it. You know, they do make mistakes and they have friends that are buying it.

Mr. Sheffield said, the second thing was a big discussion on what if the owner was the sell to a minor versus an employee. Personally, I work behind my registers on a daily basis. I've seen a lot of your faces. If I sell to a minor, I don't expect much sympathy from anyone. I really don't, and I don't expect it and probably wouldn't get it, and that's okay. But as an employee, I hire, I train, I preach to them about ID-ing and, low and behold, my employees have let me down in the past. It's all happened. Most of y'all are either in an ownership or management or supervisory positions, obviously you've had employees let you down also, but with alcohol it's a more serious offense. Tragic things happen. We try to preach that to our employees. I've hoped that —, you know, my —, sometimes employees get tired of hearing me say it. Sometimes I wish an employee, when the uniformed officers are sometimes in the stores —, in the County we've been lucky. You know, we get a lot of visibility from the County police officers. Maybe when they're in there, say an extra comment to them, hey, are you ID-ing people. It doesn't hurt. We would appreciate that. But what I was getting to is there is a difference. If an employee does it, you know, I have zero tolerance of my employees. If they sell to a minor, I fire them, and that's a big punishment. It's hard to hire and train good, honest employees. Hard working and honest is one thing. Yes, they did make a mistake, but it's a difference. So I want people to kind of understand that when we get to the punishment level. That's

the next thing is I think Commissioner Rayno was one of them I heard say, hey, what kind of punishment should you get? Should we up the fine: \$2,000, \$1,000, \$50, \$500? Personally, to me a fine is not the biggest deterrent. I can afford a \$500 fine. I don't want to lose \$500, but to me it's probably three things. Number one is the embarrassment. If it goes in the paper that my employee sold some beer, people that don't know me or don't know my store they think that I condone that activity, I wanted to make that 25¢ or \$2.00 on a 12-pack. I don't want it. You know, it's embarrassing. Second of all is with zero tolerance I've had to fire a hard-working employee. Somebody that's worked 40 hours, that's difficult to do. That costs me a lot more than \$500 to find a good employee and train them. So that's very difficult. And third is besides the finance, the chance you'll lose your license whether it be for a week, a month or a year. Convenience stores are expensive to open, expensive to operate, and there's a very competitive market in Savannah. So someone, you know, beer and alcohol –, we only sell beer, I don't sell wine or liquor, but beer's not a big mark-up, it never has been. People think it is, but it's really not. But you need all your revenues in this business. So I don't want to lose that, and that's a big fear. And if somebody, second or third offense, I believe a license is something that y'all should talk about taking, whether it be for one week. Lock it up for one week, it's embarrassing and it's also –, that's a bigger effect than \$500. You should lose the guy that if he can't get his 12-pack of beer and his gas and his –, he goes somewhere else, and you all three areas. But those are some of the things I heard y'all discuss. Quickly, what I really would like to see is if an owner/operator is one of equal enforcement. I would like to see the County come up with a policy, maybe do it with some other jurisdictions, but, you know, convenient stores, that's fine, but let's do the same thing with grocery stores, hotels, restaurants, everyone. Let's be consistent. You know, we're convenient, that's why they call us convenience stores, but we're also convenient for other things. You know, Friday night we might have a gun in our face, driving off with gas, we have a lot of frustrations so we'd like to see –, at least be treated fair in all the areas, but really why I'm here and I'd like –, and I've talked to Commissioner Rayno, I'd like to see if the true goal is to eliminate or to reduce –, you're not going to eliminate, reduce the access to alcohol to minors. We need to work together. I think the County needs to come up with a policy that's effective. Maybe they can direct police officers to –, if they get any complaints about a location, right off the bat pick up the phone, call the owner and say, hey, you've got a problem. If it's the owner doing it, then, hey, that's a little different. He can look at himself in the mirror, but just say, hey, we're getting complaints that you're –, on the weekends somebody's buying beer. I've got a schedule. I've got VCR tapes, I've got video cameras. I'm going to go back and if you tell me early enough I can watch that tape. If you're a concerned parent and you believe your kid came home and he's been drinking, he's not going to say, Mom, Dad, I used a fake ID or his older friend bought it. He's going to say Joe Blow sold it to me. Call us the next morning. We've got a video tape, come down and let's see if I got a bad employee. Let's see if he used a fake ID, let's see if he came in with an adult. But there's things that we can do as owners if you'll let us know and cooperate with us early that we can try to eliminate some of these aspects. So I'd like to see a policy where maybe that would happen. Also, I'd like to see the County any time, and I've offered this to the City and they haven't done it yet, but maybe on a Friday afternoon, Saturday afternoon, let a plain clothes officer come sit –, just sit there for two or three hours. If a guy comes in, or a girl or guy comes in and tries to buy a beer, we ask them for their ID and they say I don't have it, I say, what do you mean, you're driving, you know, and let the officer come back and say, hey, how old are you? Produce an ID. Do that. Make one arrest or make an arrest to an adult who hands it to a minor. We'll tell them what's going on. Send that message to a school on a Monday morning. It doesn't take long to spread. Obviously, there's been –, there's always –, when I grew up and everywhere else, there's always been a location you've known you could go buy it. If that's it and you're getting complaints, let's do something about it. But I would like the –, some type of policy where you contact the owner if you get a complaint, you get another complaint about that location, let's do a sting operation. The County, if they don't have the access, TRAP and Savannah's done it. They do a good job of it obviously, but let's do a sting operation. If they've –, if you've had complaints and it continues. If they fail the complaint and they come in front of the Commissioners, hey, if it's a first time offense, give them a fair punishment. But if an owner condones that activity, it's going to happen again. He's going to be back here in front of you. He's back here for the second, third offense, then do something. And, you know, I'd like to just say we'd all like to work together. I can speak for a lot of the owner/operators in Savannah. We're all friends, we talk. We're competitive, but we don't want the business. We definitely don't need the headaches, and if there's something that we can do to work with the County or some type of organization, if it's MADD, SADD or parents, come talk to us and let's see if we can work to do something. And I'd just like to say I'm here, and if anybody wants to contact me at any time, I'll be glad to, or if anybody have any questions, I'll be glad to answer them.

Chairman Hair said, Mr. Sheffield, I'd just like to thank you for coming today. I think that –, I think you've offered some varied comments on some ways to look at this, and I personally appreciate you being here. Commissioner Rayno and then Commissioner Jackel.

Commissioner Rayno said, the Chief has. Chairman Hair said, okay. Commissioner Rayno said, I just want to say it might be beneficial in the future to invite other convenience store owners to share in these ideas that he had today because they were so good and constructive, and a workshop might give us the opportunity to interject the comments that were made by Chief Sprague and things that he would like to do.

Chairman Hair said, I think what we could do is ask Russ [Abolt] and the staff to take what the Chief has said and what Mr. Sheffield has said and put that together in terms of a proposal, or bring it back to us as a policy statement, and then let us look at that.

County Manager Abolt said, what I would suggest before the gentleman leaves, I'll introduce him to Chief Sprague and we'll begin that immediately.

Chairman Hair said, Commissioner Gellatly, Commissioner Jackel and then Commissioner Rivers.

Commissioner Gellatly said, one question right now, do you have an association or are you all kind of individuals? Mr. Sheffield said, we're all individuals. I have seven locations. Bobby Chu and I are very close and work together. We've stopped --, I've talked to Greg Parker at times. I spoke with people at Enmark, and I know a lot of the small owner/operators, just single stores. We talk, we help each other out. There's not an association. They do have a Georgia thing, but really it's just so much tape, it's just --, you don't get anything here locally on it locally. I don't think --, for the County I think should go with a workshop and invite some of the owner/operators and try to work on something. Commissioner Gellatly said, I was very impressed with your comments and also the security measures that you have in place, such as video, you check these violations, but unfortunately you'll probably find the larger numbers don't have those provisions, and I think that --, I think we all take the selling of alcohol to minors as a very serious violation. You know, when you're talking about second or third chances after that the mistake has been made, unfortunately an 18 or 19 year old that buys liquor illegally and then is involved in a fatal accident, they don't get a second or third chance. I am interested in working very closely with you, but it's difficult to work with you when you really don't have a group. You kind of [inaudible]. Mr. Sheffield said, oh, I understand. I'd just like to say I would like to help get a policy, and I understand and that's why I say if you do have a problem, there are bad things happen. You know as well as anybody that happens, but that's why I say immediately call the owner and let him know if you're getting complaints. Give us the chance to eliminate that, at least that aspect of it.

Chairman Hair said, I think the Chief [sic] is making a good point. I remember, as you mentioned Greg Parker, a few weeks ago he called a group together to deal with another issue and I was at that meeting and, Chief, I think you were there. I don't know who all was there, but, I mean, we can get the people together. We know who the owners are. You know who the owners are, and so we could use you as the person to get everybody you know since there's not an association. Commissioner Jackel and then Commissioner Rivers.

Commissioner Jackel said, that was going to be my first question, if there was a local group so we could get someone to speak with maybe one voice instead the many others. We'll get the word out and whatever. I have some other concerns with convenience stores besides just underage drinking. We've run stings and the number of convenience stores are caught selling for underage drinking, but we don't run any stings with someone who comes in who's apparently already under the influence of alcohol and whether they sell or not, and my best guess is as long as they have an ID, most of the places would sell to someone under the influence. Mr. Sheffield said, no sir. Commissioner Jackel said, well, I think that's a real problem because, as you say, they're driving to your store. The other thing I had a concern about is again connected to the drinking and driving. If you walk into these places and if they have a barrel right by the door and they have beer sitting there and ice and it's summertime, and you and I know the person that buys that is going to be driving. I just think that, you know, that is a bad image to be in your store. If you say you're concerned about drinking and driving and I come into your store and I see that barrel the first thing I come in on a hot day and there's beer sitting there with ice dripping off of them, I know the people are buying it, I know they're getting in their cars and I know they're driving them. I think --, I don't think that's acceptable.

Mr. Sheffield said, I can speak for myself. I don't have those barrels. Most of my stores are small, I just have --, not having been an issue, but it's a very valid point. That's true. You put them in a small bag and that's primarily what they're doing, and that's kind of out of my --, what they do when they walk out. It's hard for me to speak on that end. That's probably more so with the County, but you're exactly right, and that's --, beyond alcohol is underage cigarettes and underage lottery. I mean, it's all --, we're in the middle of it. If you've got a sin, we pretty much provide it. There's alcohol, if you're an alcohol, we've got beer. If you're a gambler, we've got Georgia lottery. You know, if it's chocolate, we've got that. We have everything. If you like money, people come in there with guns, so we're convenient and we catch it from all ends. I want you to understand those frustrations. I don't know, but it's the truth though. We get it from all ends. We have the sins. If it's caffeine, we've got that. So --.

Commissioner Jackel said, I would like to see, Chief, if we could add to our sting something about someone who is under the influence and see if they still sell to a person like that. Chief Sprague said, we are complaint activated now. When we get complaints in about various sales to teenagers, et cetera, the Special Investigation Unit does stake that place and investigates. Also, we coordinate with the State Alcohol Bureau, they come in and they provide the underage drinkers for the sting operations, and we do that. But I understand the problems that the business owners have in this field and we've made recommendations to the County Attorney and I think we've covered most of the points that this gentleman has brought up, trying to be fair to the owners, but also fair to the teenagers who are trying to buy the drinks. The County is developing an ordinance, I believe, and I think this gentleman's comments are being addressed in that. For instance, on our recommendation, if it's an owner sales, yes, we're pretty stringent on that, but if it's an employee sales, we'll do a probationary thing without the loss of license and everybody understands that [inaudible] has people working for them. You can caution them, you can tell this, tell them that, but it doesn't always work. Commissioner Jackel said, well, we certainly understand that, and the last sting there was --, and I don't want to mention the person's name, but he had four stores that they checked, and three were turned down and one wasn't, so, you know, he was obviously telling his employees, just one didn't follow. But I was asking if we could go one step further in our checks, if there's some way to check and see if they would sell to a person who is obviously intoxicated. We're not protecting the public from that aspect. Chief Sprague said, we could look at that. Commissioner Jackel said, I would like us to look at that. Chief Sprague said, research the law on it a little bit first, but we could look at that aspect.

Chairman Hair said, okay, Commissioner Rivers and then Commissioner Murray.

Commissioner Rivers said, I think I've been covered, but I would like to emphasize that the workshop prior to the ordinance and a policy being in place, that you do convene that workshop with the owners of stores so that we can make sure that

we've got something that's workable and feasible and satisfies both the safety and protection of the public plus the stores.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I just wanted to thank you for taking the time away to come up and talk about it and also stopping on the channel that the Commission meeting is on when you're clicking through it. You must not have had a whole lot to do to watch our meeting. Mr. Sheffield said, it just happened to be it. It was a sore subject to me. I think --, but I do. The channel is very informative and I like it. Commissioner Murray said, but I think that the --, most of those issues that you addressed, especially the owner versus employee sales was addressed quite a bit during that meeting --. Mr. Sheffield said, right. Commissioner Murray said, the majority of us probably agree with that and you heard the Chief say that was one of their recommendations on that too. It's a frustrating thing when you've got employees that go out and do things that they aren't supposed to be doing, and I think you've got a good policy [inaudible].

Mr. Sheffield said, thank you. Two quick things before I leave. [Inaudible.] Please get in touch with me.

Chairman Hair said, I think there were a couple of other comments. Mr. Sheffield said, oh, excuse me. I'm sorry.

Commissioner Thomas said, I'd like to commend you for and thank you for coming and your precautionary measures, and I do know that you're really confronted with a lot of things that you really shouldn't have to be. I'm concerned about those adults, so to speak, who have the ID's and sometimes go in and make these purchases for the underaged. I happened to be in an area one day and I saw this happen. Now I don't know what we have in place for that type of situation. I think there needs to be some kind of awareness to the general public that people who would do that kind of thing, who would make these purchases for underaged people, that they are liable as well. I don't know if we have that anywhere. They need to know that if they do it, that they're just as liable as a person who's in the stores that would take a chance and do it as well. Chairman Hair said, to me, Dr. Thomas, that's a more serious violation than the person himself. If they're an adult, you can't, you know, you can't plead youthful ignorance. I mean, he knows what he's doing. Commissioner Thomas said, exactly. Chairman Hair said, to me that's very serious. Commissioner Thomas said, I just have those --, I knew the person and so I took it upon myself to say to that person, you know, you're violating something here and you should not do that and, of course, when I left they probably went back and did it because, I mean, at that point he took the money from the young man and he was going to make a purchase, but when I spoke to him about it, he gave the young man the money back, and the young man claimed that he was going home. Well, you know, he wasn't going home, but this is a problem that, you know, these store owners have and they have no control over that, so I think we need something to make the public aware, you know, that we can enforce that if they get caught doing this, that these are the consequences that they too have to face.

Chairman Hair said, Commissioner Gellatly has one final comment.

Commissioner Gellatly said, yes, well, one final comment. To begin with I think we should all realize that the adults that do in fact buy alcohol for minors, the majority of the times they have an ulterior motive not the least of which is profit. They don't go in and buy that beer for nothing. It usually costs \$5 to \$10 and so they're making a profit, and when they do that they're in fact committing to the --, contributing to the delinquency of a minor and that is a violation, and that's a serious violation that could cost the person who's involved not only money but some jail time, and I think maybe we need to publicize that fact.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, my question is for the County Attorney, Mr. Hart. Would it be possible for this body to enact an ordinance that would increase or give a large stiff penalty to someone that bought alcohol for an underage person, and could this body come up with a sticker that would be mandatory in all alcohol-selling places that states there is a thousand dollar fine and whatever, whatever, if you buy alcohol for an underage? Is that possible? County Attorney Hart said, in regard to the sticker, we could amend our ordinance to require a shopkeeper to put a notice up similar to that. When we get up above \$500 on fines, we're kind of limited in what we can do by our charter. So probably that would be the maximum. You could make it \$500 for each individual act, but that would limit us on what we could do.

Chairman Hair said, I just think a lot of good suggestions have been made this morning. That's one --, Commissioner Kicklighter, I think that's one. If we get Mr. Sheffield to get the owners together and work with the Chief and bring back an ordinance, I think that's --, and I commend Commissioner Rayno for bringing it and putting it on the agenda today. I think it's very important. We appreciate, Mr. Sheffield, very much your time. Mr. Sheffield said, thank you.

ACTION OF THE BOARD:

A presentation was made by Mr. Jim Sheffield from the prospective of a convenience store owner/operator with regard to the sale of alcohol to minors. Another items addressed were sales to an adult on behalf of a minor and sales to persons who are already intoxicated. With the assistance of Mr. Sheffield, a workshop will be held with convenience store owners regarding the preparation of an ordinance for consideration by the Commissioners.

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2. MIKE WEDINCAMP REQUESTING A CURB CUT OFF OF JIMMY DELOACH PARKWAY (COMMISSIONER KICKLIGHTER).

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. Before I introduce Mr. Wedincamp here, I want to report to the Commission here that I'm absolutely thrilled at last night's meeting on the Savannah-Ogeechee Canal Project. We came to a really nice compromise. The Bush Road residents sent me a proposal, about 35 in favor and only 3 opposing. This compromise basically pleases everyone on Bush Road, the bicycle association, the hardworking people in the Savannah-Ogeechee Canal Society. So, I'm absolutely thrilled and we will present to you the master plan hopefully for approval coming up on July 8th. County Manager Abolt said, June. June. Commissioner Kicklighter said, and with that -. County Manager Abolt said, June 8th. Commissioner Kicklighter said, June 8th, excuse me, June 8th. I have Mr. Mike Wedincamp here today. He's requesting a curb cut off of Jimmy DeLoach Parkway. I would like to tell you first that I spoke with Mayor Strozier from Bloomingdale, and he stated that no one in Bloomingdale is opposing this curb cut for Mr. Wedincamp. He also told me that they actually changed the zoning for Mr. Wedincamp to put a desired business in the area provided that we allow the curb cut. So I would like to just introduce Mr. Wedincamp there.

Mr. Wedincamp said, I'm Mike Wedincamp. I have some interest here on the Parkway itself. The Parkway is completed at this point approximately 8½ miles long. 2.4 miles of it is Bloomingdale, 2.3 is Pooler, 1.7 is Savannah, and 2.1 is Port Wentworth, and that's just what's finished at this time. On the Port Wentworth end there are four curb cuts, four curb cuts with -, three of them have median cuts on them. That's in a 2.1 mile stretch. In the Savannah area in 1.7 miles, there are six curb cuts. In the Pooler section, 2.3 miles, there are five curb cuts. In Bloomingdale, 2.4, which is the longest stretch of all, it has two. They only -, it has two because they were existing before the Parkway was even put in. There's only one other curb cut on this Parkway, that was existing before the Parkway was built, and that would be Triple B Trail. So I've already went to City Council about it, I discussed it with Engineering Department, and I haven't had much success with it. Bloomingdale hasn't -, none of the residents in Bloomingdale have been able to do anything with any of their property because they can't get access to the Parkway, but yet every other section of Chatham County that has access to this Parkway has a minimum of four cuts, if not more, even though Bloomingdale has more of the mileage of the Parkway than any of the other three, and so I'm here today requesting to see if it's possible that I can get a cut to the piece of property that I want to develop. I've already discussed with Engineering once before on criteria for it. It had to be quarter of a mile increments on driveway cuts. These driveway cuts in these other sections are three, four and six-tenths apart. Also, I had to be a certain distance from a guardrail. I've measured out at 50 percent more than that. The driveway measures out exactly one-quarter of a mile from Highway 80. So everything -, also, it had to be zoned commercial. Everything has been done to satisfy all the criteria that was explained to me at an earlier date, and then I still haven't gotten anything from it. Commissioner Kicklighter said, the speed was actually reduced also for this, right? Mr. Wedincamp said, yes sir. The speed limit in this area is 35 miles -, 35 miles an hour. Now, the curb cuts going in on the Pooler Parkway are in 50 miles an hour zones.

Chairman Hair said, Mr. Wedincamp, first of all, let me say, I'm not opposed to the curb cut. I guess my comments are for the staff, maybe the County Attorney. I just want to make sure that we don't jeopardize anything that like will affect funding or anything else that might be a bigger issue. I certainly don't oppose your curb cut, but I just think we've got to be careful, and I caution my fellow Commissioners, let's make sure that we don't violate anything by doing this. Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, thank you, Dr. Thomas, gentlemen. You can see from the insert in your agenda, staff is opposed to this for a variety of reasons. The Chairman was right on because, in effect, we look at the State accepting this, you know, as part of the State system, but I must point out to you something that's very germane in the acquisition of right-of-way that affects this gentleman's property. He was compensated for the loss of access, and that's in the middle paragraph in that memorandum. Before you do make your decision, I would ask that you would hear from Mr. Bungard, but the issue he brings up certainly is always a concern when one is fronting a major roadway, but as we all know major roadways are intended in many cases to have limited access for freedom of movement of vehicular traffic while not denying legitimate access to adjoining property owners and, again, the case in point, the gentleman was compensated for lack of access.

Mr. Wedincamp asked, may I speak on that? Chairman Hair said, certainly, certainly. Mr. Wedincamp said, the Parkway -, the project purchased two -, 1.68 and 1.69 acres of one of the tracts that I own for the Parkway. The compensation Mr. Abolt is talking about is on the property on the other side of the Parkway, not the property that I'm trying to develop. I have -. Chairman Hair said, well, it would be across the street, would it not be -? Mr. Wedincamp said, but the compensation was paid on the acreage on the other side of the Parkway that has absolutely no access to from any way, shape or form. It's completely landlocked. That was paid as compensation on that. Other than the -, that's the only damage that was paid was on that tract. The only other thing paid on the remaining of it was 50 percent of market value of the property that the Parkway took and used as the Parkway. The price on, I think, for almost two acres and three-quarters was \$7700, looking at -.

Commissioner Kicklighter said, also, Mr. Wedincamp told me that he spoke with Mr. Triplett and Mr. Triplett said this would not affect in one way or another the possibility of it becoming a State project. I asked Mr. Wedincamp to try to obtain that in writing from Mr. Triplett to bring here, but he was unable to do that. So before -, I want everyone to get to talk, but before if anyone's decided to deny, I want to give him a chance to obtain that in writing to bring back here.

Chairman Hair said, well, I have –, but my concern though is I think the issue is much bigger than this one curb cut, and if we allow this one, are we not going to be able to disallow another one and another one and another one. My problem here is the camel with a nose under the tent. If we approve this one, how are we going to deny five others that come to us next week? And at some point, you know, you're going to have a road that's going to be worse than Abercorn where you're going to have a curb cut, you know, all over the place because everybody that has property –, if I had property I'd want a curb cut too. So I commend you for wanting a curb cut. I would certainly do exactly what you're doing, but I think this is a bigger issue, Commissioner Kicklighter, than one curb cut. I mean, I think the guy –, and maybe Mr. Triplett doesn't oppose this one curb cut, but, you know, what about the next five or six he's going to get, and I assure you we'll get plenty more requests if we approve this one. So that's another thing that bothers me. Commissioner Murray and then Commissioner Rayno and then Commissioner Jackel.

Commissioner Murray said, Russ [Abolt], my question on this, if I understand it correctly, all this property falls within different municipalities and none of it's in the unincorporated area. Is that correct? County Manager Abolt said, I would prefer to defer to Mr. Bungard on the actual geography of it. I defer your attention to the map, which is black and white, but, Al [Bungard], would you come forward please. There is a map there. Again, its monochromatic, a little difficult, but I'll ask Al [Bungard] to answer your questions, sir. Commissioner Murray said, my question is does this total Parkway fall within –, the areas we're talking about –, fall within different municipalities and not within the unincorporated area? County Engineer Bungard said, the jurisdictions, yes, are outside the unincorporated area, but the County still owns –, we acquired and we still own the right-of-way from I-95 down to this highway. It was acquired as a controlled and limited access highway. Everything was acquired, designed and planned for that purpose with the intent that when Jimmy DeLoach Parkway Phase Two was constructed and it continued down around I-16, it would be parkway. Medians planned –, were all planned accordingly, and as I put in my memo, the point here is there's one distinction –, I've got to clarify what Russ [Abolt] said, he didn't have access before, so he was not compensated for losing access. You don't compensate for access you don't have to start with. There was no road. He was compensated for the land that was acquired. If we need the details on that, Mr. Gordon is here, but my point is the County, municipalities are obligated as a steward to take a look at maintaining this Parkway. It cost us nothing to deny the curb cut. If we approve it, then here's what happens. Here's his property in relation to the Parkway. The distances are okay, but in the future there will be an interchange here. It's a little bit like Southchase. Okay? If that is approved, it costs us –, then we have to acquire all the improvements to put in the ramp. So decision not to approve costs zero. Decision to approve will cost whatever the developed value of that property is. And the Chairman's right, I've had other requests up and down the line to build homes and other things and they have been denied. Commissioner Murray said, that's okay, but I've got another example where they have not been denied and the same setup was basically done on Johnny Mercer Boulevard when it was four-laned, and there was not supposed to be any curb cuts or median cuts within certain areas of that. We have allowed it because of the safety factor involved in it, and without those curb cuts with that apartment complex that's built in there, we would have some serious safety problems with traffic even though we have some already. So to me, this is –. I understand what you're saying, but at the same time I understand what this man is trying to do also, and maybe he can back his place up a little bit, I don't know, but I think that this is going to be a decision this Board has to make, and you may or may not agree with us on it, and that's fine. There are a lot of things staff does not agree with us on if we make a –. County Engineer Bungard said, I submit then that if we –, if it does get approved, there is no point in the County continuing to maintain the right-of-way, we simply turn it over to all the various jurisdictions, and then when the State wants to consider putting it on the State system, they'd have to go back to Savannah, Pooler, Bloomingdale, all the way down the line and do that. That can be done, but the guidance that I've received from the time, reading the files of my predecessors, Commissioner Triplett, was to maintain this as a County right-of-way as limited access so that it could be put in the State system when the Parkway is completed. Commissioner Murray said, I understand all that, and, you know, I'm not saying the votes are there to do it. I don't know whether they are or not. I was just simply asking some questions about it.

Chairman Hair said, Commissioner Rayno and then Commissioner Jackel.

Commissioner Rayno said, Mr. Bungard, when you did the acquisitions from this gentleman, did you specifically state in the contract that it was going to eliminate his ability to have a right-of-way on his property? County Engineer Bungard said, it's –, I think it's silent. Mr. Gordon's here, but because the legal access is onto Highway 80. There's seven or eight parcels that had their legal access onto Highway 80.

Chairman Hair said, Commissioner Jackel and then Commissioner Rivers. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I have the same concerns as the Chairman. The future acquisition cost is going to go up tremendously if we grant this. I think we have one of the great examples of misuse of curb cuts anywhere I've ever seen: Abercorn. I remember looking at the original plan. It was supposed to be Abercorn Extension, Abercorn Expressway, and you can barely get down Abercorn because of the curb cuts. I just see this as –, once we do this, we've opened up Pandora's box and we're going to have real problems. I sympathize with your situation, but once we start doing this, we have no right to turn anyone else down, and I can't support it.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, Al [Bungard], why do we have those curb cuts at the other places, such as the other municipalities? County Engineer Bungard said, they were spaced according to the standard designs for speed. Certainly the intent was that some day there would be assemblages and frontage roads, but it's all part, of course, of the design criteria from GDOT [inaudible], those parameters, distances between median openings. They were planned that way. Mr. Gordon

can probably –, can you elaborate on that, Billy [Gordon]? County Manager Abolt said, come to the mike. Mr. Billy Gordon said, as Mr. Bungard stated, it was planned as a developmental highway, and developmental highways, the process is evolved over the years. Now, if we were to buy that project today, it would be called partial limited access. The access rights would have been [inaudible]. The way it was bought in 1994 was as controlled access is to we're not going to take your access rights away, but in order for you to have access, you've got to meet the criteria necessary that Chatham County stipulates. Commissioner Kicklighter said, and he's met the –. Commissioner Rivers said, so the same –. Chairman Hair recognized Commissioner Rivers. Commissioner Rivers said, the same standards that you had then when you acquired, they're not the same today. Mr. Gordon said, they're using different terminology. DOT uses a different terminology today than what we did in 1994, and they are more restrictive now on the type of access that will be allowed on developmental highways. Commissioner Rivers said, now on developmental highways, I thought you always had a frontage road. When you have parkway, the frontage road would give you access –. Mr. Gordon said, that is correct. The median spacing that was just asked about, it was designed in this project to accommodate the frontage road. You bring your frontage road to the median break, and that's your access point. Commissioner Rivers said, so that's going to be incorporated into this.

Mr. Gordon said, any development plan that comes along, that's all raw land out there for the most part, and so anybody that comes in to develop the property, as part of their site plan development they will be required to bring a frontage road to tie into that access point, the median break, and that minimizes conflicts. The more driveways you have, the more conflicts you create for the traveling public.

Chairman Hair said, Mr. Hart and then Commissioner Kicklighter.

County Attorney Hart said, there are really two policy issues that the Commission needs to be focused on in regard to this decision. The first is if the curb cut is allowed, what other costs will be involved in subsequent right-of-way acquisitions in regard to the overpass and interchange. That will be a real cost that will far exceed the cost of a curb cut. And the second issue is do we want to maintain the right to put this into the State system, and the State will decide what they will take back in support for the long term maintenance of that roadway system, and they will be required to meet GDOT standards and AASHTO standards, and the more curb cuts you have on those roads, the less chance you have of meeting those standards. That becomes important for two reasons. One, when the Parkway is completed, it gives Chatham County the opportunity to offload from the local taxpayer base the maintenance of that facility on a statewide system, which obviously saves tax dollars. And the second issue there is if you put it into the State system, oftentimes the State will come to us, as the Chairman's been able to work out on a number of occasions, and swap other road projects with us that has the impact of saving additional dollars. So really it's a policy decision of what you're weighing one against the other. It's up to y'all.

Chairman Hair said, I think one point that's very important here is if we deny this, we're not denying access to the man's property, we're just saying it has to be through a frontage road as opposed to a curb cut. He still would have plenty of ways to access his property for development. It's just –, and sure it would cost more money, but it's going to cost the taxpayers a tremendous amount of money, as we've already had testimony to today, if we approve this in terms of future right-of-way costs, and my grave concern is if we approve it today, we'll be establishing a precedent that would cost us many times in the future. And, again, someone –, I can't remember which Commissioner, said, I think it was Commissioner Jackel, that if we're not careful we'll turn Jimmy DeLoach Parkway into another Abercorn with a curb cut every four or five hundred feet, and I think that's something that none of us want to see. So, I'm sympathetic to your cause, but I just think we have a bigger issue here than one person, one person's piece of property. We've discussed it a lot. I'd entertain a motion, Commissioner Kicklighter.

Commissioner Kicklighter said, well, I'd like to ask a couple more questions. Chairman Hair said sure. Commissioner Kicklighter said, for clarification. Did the County actually purchase his land with him having the understanding that he could access it if he met the standards set by the County? Chairman Hair asked, Russ [Abolt], can you –. County Manager Abolt said, the man that negotiated it, Mr. Gordon. Chairman Hair asked, Mr. Bungard, can you answer. County Engineer Bungard said, Mr. Gordon did the negotiations. Mr. Gordon said, no, I didn't negotiate it personally, one of my staff did. The direction from the County Engineer at that time to our office was that this is controlled access, access will be available to the property owners should they submit and have an approved site plan for development. The idea at that time was, since most of that was raw land, that there would be developers coming out assembling into large tracts and large developments, and they would be required to bring frontage roads to the median breaks, which were going to be the access points. Commissioner Murray asked, who was the Engineer, the County Engineer at that time? Mr. Gordon said, George Lyons. Commissioner Murray said, okay.

Chairman Hair said, okay. Did that answer your question.

Commissioner Kicklighter said, well, did you get that understanding when they purchased your land or was it your understanding that if you met the requirements for the speed, the distance from the rail, the, you know –? Mr. Wedincamp said, my understanding was that if I met all the criteria, that I could actually get access to the Parkway because if there was –, if I had been told there was no available access to the Parkway at any point in time, I wouldn't have spent the last year trying to get all this taken care of to get it in place. Also, these –, this –, talking about this number of curb cuts. These curb cuts –, what the curb cut I'm asking for is a quarter of a mile from Highway 80 and three-quarters of a mile from the next curb cut. Now if a frontage road has to be put in at some point in time, that will be two perfect places to conjoin the frontage road. Also, Bloomingdale owns the majority of the mileage on that Parkway, and the only curb cuts that Bloomingdale has at this point were two existing roadways that went to two residents before the Parkway was ever even involved. None of these other –, let's see, there was three existing, there's 18 on there, there's 15 different curb cuts and median cuts allowed on that Parkway in every jurisdiction except Bloomingdale. We don't have anything that wasn't there previously, but

everybody else got –, the first curb cut in Pooler was two miles from the city limits, the second curb cut is six-tenths of a mile from that curb cut, the next one is one mile, the next one is three-tenths, the next one is two-tenths, and if there's going to be any congestion or any backup of traffic, that has already been done. Allowing this one curb cut in the Bloomingdale area is not going to affect it in any way. Mr. Triplett told me himself over the phone that allowing that one curb cut will not have any bearing on whether the State accepts that roadway or not because of the fact that all the other curb cuts and median cuts have been put in.

Chairman Hair asked, Mr. Wedincamp, did Mr. Triplett tell you if you put six other curb cuts in there it wouldn't affect them taking the road? Mr. Wedincamp said, no, he didn't say that. Chairman Hair said, well, see, that's my concern. See, if we allow this one, we cannot deny one next week or the next week or the next week and next week. That's my point. Mr. Wedincamp said, but if they –, according to what I was explained to in the beginning, they have to be on a quarter of a mile increments minimum. Well, there's only three –, four quarters to the mile so there can only be –, what, two more in one direction and there actually can be none in the other direction because it would measure out at –, that would be right on Highway 80. Two more –, so you couldn't have but a total of three through Bloomingdale period, and that's still less than any of the other municipalities have.

Commissioner Kicklighter said, I've got –, if I could, I want to –, while I still have the floor. I need clarification on the County's plans for this property. You're talking about an overpass or something happening there where we would need the property and if we had to buy it once it's developed, what type of future –? County Engineer Bungard said, in all these projects, Pooler Parkway, Jimmy DeLoach Parkway, eventually there will be an interchange, a flyover, and just putting the standard template on there, we'll be requiring his entire property whenever that happens. Commissioner Kicklighter said, well then rather than us limiting this gentleman and freezing his property, wouldn't it be the right thing for us to be in negotiations with him now to free his money up and pay him now where, rather than freezing the man, his –, his property value and limiting it for our future? I mean that's –. Mr. Wedincamp said, locking me down. Commissioner Kicklighter said, locking him down for the future.

Chairman Hair said, Commissioner Kicklighter, that's not really true. You're not locking him down. You're just saying instead of the accessing through a curb cut, he access through a frontage road. So it's not true to say he can't develop his property. It's just saying he can't develop it with a curb cut. It can develop it with a frontage road. That's all we're saying. County Engineer Bungard said, whether he acquired the property originally or the owner previous, legal access to that property was provided then through U. S. 80. He is not denied access. We don't tell people they can't develop their property. We just don't tell them how they develop their property. But the fact that the County taxpayers have built a public road and then it's –, to assume it's our responsibility to enhance the value of his land at an increased future cost down the line, my understanding is we're under no obligation to do that as a municipality.

Mr. Wedincamp asked, how far back will this interchange go? County Engineer Bungard said, about a thousand feet. Mr. Wedincamp said, all right, we can move the driveway from 1,500 to 2,000 feet. County Engineer Bungard said, the off ramp will go through your property.

Chairman Hair asked, Commissioner Kicklighter, are you ready to make a motion or not? Commissioner Kicklighter said, yes sir, I'm going to change my initial thought and make a motion that staff negotiate with this gentleman now to buy his property. Commissioner Rivers said, let me ask a question. Chairman Hair asked, Mr. Hart, is that an appropriate motion? County Attorney Hart said, you can make that motion. I don't know where we'll get the money or the project funds to do that with since we're doing that out of –.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, also, sir, I believe that's legitimately concerned under Executive Session, if you would discuss it under that setting.

Commissioner Kicklighter said, okay, well, I'll withdraw the motion then, and I would like –, I'll make a motion to table the matter to a further –. Chairman Hair said, we have a motion to table. Commissioner Murray said, second. Chairman Hair said, second. All those in favor of tabling vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you, sir.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to table the request of Mr. Mike Wedincamp for a curb cut off of Jimmy DeLoach Parkway. Commissioner Murray seconded the motion and it carried unanimously.

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3. RECONSIDERATION OF CONTRACT AWARD TO PAVE ROAD AT BAMBOO FARMS (COMMISSIONER GELLATLY).

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

Commissioner Gellatly said, thank you. At our last Commission meeting the issue of paving the roads at the Bamboo Farm came up for vote twice, one to approve the paving –, the funding for the paving and, secondly, to award the contract. I voted in the affirmative to approve the funding and I inadvertently voted no to award the contract. I apologize to my fellow Commissioners for making that mistake. I was on the prevailing side, therefore, I would request –, made a motion that we reconsider that vote.

Chairman Hair said, motion for reconsider. Do I have a second?

Commissioner Murray said, let me ask a question first. Chairman Hair said, yes. Commissioner Murray asked, what time frame did you make your reconsideration request? County Attorney Hart said, Mr. Chairman, I would recommend that that be couched as a motion to rescind. Mr. Murray –, Commissioner Murray points something out. Commissioner Gellatly said, okay, motion to rescind. County Attorney Hart said, notice by the way –, notice was given immediately after that meeting by Commissioner Gellatly, which –.

Chairman Hair said, motion to rescind. Do I have a second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present.] Chairman Hair said, now we need a motion to approve.

Commissioner Gellatly said, I make a motion 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, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Odell was not present.] Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

1. Commissioner Gellatly moved to rescind the motion taken on May 11, 2001, to deny the award of a contract to pave a road at Bamboo Farms. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]
2. Commissioner Gellatly moved to approve the award of a contract for the Bamboo Farm and Coastal Gardens Paving Improvement Project to A. D. Williams Construction in the amount of \$184,234 with funding from SPLOST. Commissioner Kicklighter seconded the motion. Chairman Hair and Commissioners Rivers, Jackel, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Odell was not present.]

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4. CHATHAM COUNTY SALES RATIO STUDY TY2000 (COMMISSIONER JACKEL).

Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I think it's important when we get good news about one of our departments, particularly one of them which has received ample amount of criticism, that we publicize what they're doing right and what they've done right. We've got a memo from Mr. Jerry Hogan, Chairman, Board of County –, County Board of Assessors, and the subject was Georgia Department of Audits and Chatham County Sales Ratio Study, and it goes on to say in essence that our digest –, all properties in Chatham County for the year 2000 are fairly appraised, equitably and uniformly. I think that is a good achievement. I'm glad we're in the guidelines, and I think we needed to announce that. Thank you for the opportunity.

Chairman Hair said, thank you, Commissioner Jackel.

ACTION OF THE BOARD:

Received as information.

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VIII. TABLED/POSTPONED ITEMS

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

1. 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. *Public meeting is being held Thursday, May 24, 2001.*
[DISTRICTS 6, 7, AND 8.]

ACTION OF THE BOARD:

This item was not removed from the table and placed before the Commissioners for consideration.

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

ACTION OF THE BOARD:

This item was not removed from the table and placed before the Commissioners for consideration.

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3. **REQUEST FOR WAIVER OF HIRING FREEZE. The following (#2 and #3 under "Facts and Findings) were tabled at the meeting of May 11, 2001:**
- **POLICE: MAJOR (1 POSITION AND RESULTING VACANCIES IF PROMOTION FROM WITHIN); OFFICER (1 POSITION).**

ACTION OF THE BOARD:

This item was not removed from the table and placed before the Commissioners for consideration.

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IX. ITEMS FOR INDIVIDUAL ACTION

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

1. **REQUEST BOARD APPROVE THE FOLLOWING: A TRANSFER OF \$4,820 FROM 1993-1998 SPLOST, RESERVE FOR SPECIFIED PROJECTS TO SCIENCE DRIVE RELOCATION, A TRANSFER OF \$23,000 FROM THE 1993-1998 SPLOST, JIMMY DELOACH PARKWAY, PHASE 2, TO THE JIMMY DELOACH PARKWAY INTERCHANGE AT SR 21, AND A TRANSFER OF \$6,500 WITHIN THE BUILDING MAINTENANCE AND OPERATION BUDGET FROM OTHER CONTRACTUAL SERVICES TO OVERTIME.**

Chairman Hair said, I'll entertain a motion to approve. Commissioner Rayno said, may we separate the last? Chairman Hair asked, the \$6,500? Commissioner Rayno said, yes. Chairman Hair said, okay, all except the last sentence, I'll take a motion to approve and a second. Commissioner Kicklighter said, so moved. Commissioner Odell said, second. The motion carried unanimously. [NOTE: Commissioner Murray failed to cast a vote. Chairman Hair said, the motion passes.

Chairman Hair said, transfer of \$6,500 within the Building Maintenance and Operations Budget. Commissioner Murray said, let's slow it down a little bit. I-, you know-. Chairman Hair recognized Commissioner Rayno. Commissioner Murray said, I didn't even get the last one. Chairman Hair said, well, that was because you were talking. The Acting Clerk said, I didn't get it either. Commissioner Murray said, that's because I was trying to find out where you were. You were talking too fast to understand it.

Commissioner Rayno said, Building Maintenance and Operations wants a transfer of \$6,500-. Commissioner Murray said, just put me down as a non-vote on that last one then. The Acting Clerk said, I didn't get it either, so we're together. Commissioner Murray said, good. Commissioner Rayno said, \$6,500 in overtime. What they're doing is they're taking their maintenance people and they're turning them into security people. While I love cross-training and all that, I don't think that maintenance people qualify as security people, number one, but number two in overtime cost they're paying \$18.50 an hour, and I believe probably we can contract privately and get these people for a little bit less money who are actually qualified in the field of security rather than paying \$18.50 an hour overtime. We should try to avoid overtime.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, I'll ask Mr. Lynch to explain it. This is some longstanding need to protect the Montgomery Street Courthouse, as we know it, during hours of non-judicial use because of the potential intrusion. It does not require to my understanding the type of level of security that you're referring to which is existent during the normal hours of operation. County Manager Abolt recognized Mr. George Lynch.

Mr. Lynch said, the requirement for this, sir, developed primarily within the judiciary, to a lesser extent within the DA's office. All of our people are thoroughly [inaudible], they're cleared, all of that type of stuff. The feeling, and bear in mind we had work period that started about 3:30 in the afternoon, proceeded during the night, as we went through that very major project and couldn't close the building down except twice on weekends. I think the judiciary wanted people who could kind of keep an eye on what was being done by the contractors, had knowledge of it. They had thorough confidence in them and, quite

simply, that is why that action was taken. It worked very well. Let me give great credit to the judiciary. They had –, about 16 months, had us crawling up in there crawl space of their ceilings, contractors in and out. They've been wonderful in their support. Our feeling was they had a point, they wanted to make sure that their people knew what was going on and could assure that there wasn't anything planted, done out of line, and it worked very well.

Commissioner Rayno said, but still you're paying maintenance people \$18.50 overtime when you could probably go out and find people for less money to do the job. Mr. Lynch said, I'm sure, sir, that you could go out and bring in what we affectionately, not in a denigrating sense, call Rent-a-Cops. However, these gentlemen, as good as they may be, don't have any real feel for what's in the construction work that's ongoing, is it suspicious, is it strange, and in some cases we –, where we have tried Rent-a-Cops, Weatherwood being one of the examples, we found that they were not terribly interested in really minding the store. I agree, you could get them for a lower rate. I'm not sure they would deliver the same service, sir. Commissioner Rayno asked, well, what is the job of the supervisor but not to check the work that's being done on the construction and stuff? Mr. Lynch said, I'm not talking about Q.C., sir. There is some concern in these areas that a maintenance man, who knows the building backward and forward, would detect where somebody may plant something or something of that nature. Commissioner Rayno asked, what do you mean, plant something? Mr. Lynch said, a bug would be one. Commissioner Rayno asked, and you're saying a police officer is not qualified to notice a –? Mr. Lynch said, we aren't talking, sir, police officers. What you, I think, are suggesting is that we go out and from a commercial firm, which there are a bunch, some pretty good, some not so good, and bring their folks into the building. There was a much higher level of feeling that the people who have maintained it, things of that nature, could provide better coverage for them. Commissioner Rayno said, I think it's a waste of money and I'd like to move to not approve this.

Chairman Hair said, all right. We have a motion not to approve that. Is there a second to that motion? Okay, it fails without a second. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I'll make a motion to approve that and the reason being that I understand that what you're saying is that –, I take it people who know what should have been rather than bringing in Rent-a-Cop, it increases our security. I think it's logical and reasonable and I'll make a motion to approve. Chairman Hair asked, second? Commissioner Jackel said, I'll second.

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

ACTION OF THE BOARD:

1. Commissioner Kicklighter moved to approve the following: A transfer of \$4,820 from 1993-1998 SPLOST, Reserve for Specified Projects to Science Drive Relocation, and a transfer of \$23,000 from the 1993-1998 SPLOST, Jimmy DeLoach Parkway, Phase 2, to the Jimmy DeLoach Parkway Interchange at SR 21. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Jackel, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. [NOTE: Commissioner Murray failed to cast a vote.]
2. Commissioner Odell moved to approve a transfer of \$6,500 within the Building Maintenance and Operation Budget from Other Contractual Services to Overtime. Commissioner Jackel seconded the motion. Chairman Hair and Commissioners Rivers, Jackel, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of eight to one.

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ORDER OF BUSINESS

Chairman Hair said, Chairman Hair has a good request. Without objection, I'm going to move the positions for waivers up to the front because we have a number of department heads who are sitting here and it will speed up the process to get them back to work.

[NOTE: Item IX-5 was heard at this point on the agenda.]

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IX. ITEMS FOR INDIVIDUAL ACTION (Continued)

2. **BOARD CONSIDERATION OF WAIVER OF LATE PENALTY FOR TARDY BUSINESS TAX CERTIFICATE AFTER DUE DATE. PETITIONER: DENISE M. POIRIER, D/B/A STRACHAN SHIPPING COMPANY.
[DISTRICT 4.]**

Chairman Hair recognized Mr. Gregori Anderson.

Mr. Anderson said, yes, good afternoon. Before you this morning [sic] is a request for a waiver of the late penalty. The occupational tax ordinance requires a late penalty with applications submitted after March 1. This particular application was received on the 22nd, and the penalty is either 25 percent of the due or \$10, whichever is the highest. Chairman Hair asked, is anybody here from Strachan? If not, I'll entertain a motion.

Commissioner Rayno said, motion to deny. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, second. All those in favor of the motion to deny, vote yes –. Commissioner Jackel said, they have always paid their taxes. Chairman Hair said, well, they should be here though if they're interested. If they want a waiver, they should be here to explain it in my opinion. Commissioner Odell said, yes. Chairman Hair and Commissioners Rayno, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Rivers and Murray were not present.]

ACTION OF THE BOARD:

Commissioner Rayno moved to **deny** the request of Denise M. Poirier, d/b/a Strachan Shipping Company for waiver of late penalty for tardy business tax certificate after due date. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rayno, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Jackel voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Rivers and Murray were not present.]

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3. BOARD CONSIDERATION OF FEE WAIVER FOR THE SPORTS CAR CLUB OF AMERICA TO USE THE PIT AND PADDOCK ON HUTCHINSON ISLAND.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, may I introduce –, yes, there's a staff report and we'll allow the gentleman to come forward to appeal directly to you regarding the charge to use the pit and paddock area for what I refer to as a gym-con [phonetic] type of event. Chairman Hair asked, what is the charge? County Manager Abolt said, the type charge is \$2,000 per day. Chairman Hair said, \$2,000. How many days event? County Manager Abolt said, the Board set that back in –, a year ago February. Chairman Hair asked, how many days will this event take place?

Mr. Ted Migchelbrink said, we are looking for two days in June and one day in November. Chairman Hair said, so it would be \$6,000 waiver. I'm trying to get the waiver amount, it would be \$6,000. Mr. Migchelbrink said, yes sir. Chairman Hair said, okay, you can go ahead, sir. Mr. Migchelbrink said, let me say, my name is Ted Migchelbrink. I represent the Coastal Empire Autocross Club. We are affiliated, a chapter of the Buccaneer Region of the Sports Car Club of America. Those are the people that get us our insurance policy. I've been working with the permits department to try and facilitate the use of Hutchinson Island, just the paddock area. There wouldn't be any interruption of traffic or anything, and I've got all the interested parties to sign onto this, but now I've come to the waiver fee. We are a small local club, about 40, 50 members. Our entry fees are 20 bucks per entry. Chairman Hair asked, do you charge any admission? Mr. Migchelbrink said, no sir. It's not –, it's a non-spectator event. The only people that would be on site would be the people that were involved in the event. And we're just a recreational club and we would like to see if the Commission would take it and support our recreation.

Chairman Hair asked, Mr. Hart, would we have any liability if –, would this affect our liability in any way? County Manager Abolt said, no sir, what you have, see number three on the staff report from Mr. Monahan, that's over and above this. There's certainly insurance and indemnification involving not only the County, but also Georgia Ports Authority and CSX Real Estate [sic].

Commissioner Rayno said, Chairman Hair. Chairman Hair recognized Commissioner Rayno. Commissioner Rayno asked, are you truly a 501(c)(4) and not a 501(c)(3)? Mr. Migchelbrink said, well, that got a little over my head. I have supplied permits with –, I think we're either a 4 and they were looking for a C, but I'm really coming to the Commissioners as a local club, just having a local club that does autocross, just like some people play tennis. Commissioner Rayno said, well, your legal description under the government is very important because if you're a 501(c)(4) as opposed to a 501(c)(3), if you donate to a 501(c)(3), me as an individual, that's tax deductible, but you are restricted by law from influencing elections or giving campaign contributions to candidates, but if you're a 501(c)(4) I can donate to you, I can't tax deduct it, but you can lobby for your organization, you can give us donations for our campaigns, et cetera. So that's a very important legal distinction before you come here today. So if we set the precedent of allowing 501(c)(4) to use something for free, then that means the Christian Coalition can come and say, well, I want to use it for free too, or the National Rifle Association, a 501(c)(4), could come and say I want to use it for free too, and if we denied them we would be discriminatory. Mr. Migchelbrink said, well, you're over my head with that stuff so I'm not even going to try and address that. Then what I'm asking is that you take into consideration here's a local club, a small group of people, we've gone through,

we've got the insurance, we've got everybody signed on, to adjust the fee that'll fit something so we could go on with this event. I mean –.

Commissioner Jackel said, you're asking for 10 percent of what your people will pay in. Mr. Migchelbrink said, I could live with 10 percent. Commissioner Jackel said, which would work out to about 600 bucks. Is that correct? Mr. Migchelbrink, said, well, no sir. If –, let's say we had 50 times 20 is 1,000, 10 percent is \$100. Chairman Hair said, yes, 10 percent of the amount [inaudible]. Commissioner Jackel asked, what is our cost in this? What is the cost that the County pays? Mr. Migchelbrink said, there's no cost, no cost to the County whatsoever.

Commissioner Rayno asked, we don't have to provide police protection or anything? Or cleanup? Chairman Hair said, I wouldn't think so. I would oppose it if we did, but I would support if –, there are no costs to the County. Is that correct? Commissioner Jackel said, there are no costs and we're going to take in approximately \$200 and help the local group, and based on as good a mustache as he has, I'm going to move for approval.

Chairman Hair said, all right, we have a motion to approve. Do we have a second? Commissioner Rayno said, you're setting a precedent now, just remember that for the National Rifle Association. Chairman Hair said, we have a motion and a second. All those in favor –. Okay, I'm sorry.

Commissioner Odell said, I guess my concern is that it will be limited to those members of your club –. Mr. Migchelbrink said, no sir. Commissioner Odell said, it's not open to the public. Mr. Migchelbrink said, it's not open to the public, but let us say that if one of you gentlemen wanted to come out and –. Commissioner Thomas said, and a lady. Mr. Migchelbrink said, excuse me, I'm sorry. Commissioner Thomas said, I'm not a gentleman. Mr. Migchelbrink said, I'm sorry. Excuse me. Commissioner Odell said, my only concern is I think what Jeff [Rayno] said is absolutely on target and I hope the other Commissioners were listening to that, and that is you're not certain if you're a 501(c) or whether you're a 501(c)(4), and that's the difference between lightning and a lightning bug as far as I'm concerned. There is –, just a nonprofit, we don't get involved in politics organization comes to us like the Heart Association, that's one thing, but an organization like the Rifle Association saying we want to use the –, we want to put on a rally because we think you ought to have –, the average citizen should have guns of this type, if we do this today we have no argument, as Jeff [Rayno] said, to prevent them from doing it. I'm very concerned about that. I don't think we have a major benefit to our doing this.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, on that I'd love to vote yes and everything, but know it's limited and mainly just what they just said there. It would open the door to future endeavors for people being able to come in there. I think for that reason alone, you know, for that reason alone, you know –.

Chairman Hair said, I'll entertain a motion.

Commissioner Jackel said, Mr. Chairman, I think that's why we have a facility for –, we have the mobile stage that if people pay the fee we rent it out, we have the Tybee Pier, we have the people rent it out. Well, if he's paying a fee –. Commissioner Kicklighter said, if they're paying a fee, there's no question about it.

Chairman Hair said, he's paying a fee. He's paying 10 percent of the –, what they take in. Commissioner Rayno said, but not \$2,000. Chairman Hair said, they're paying in –, he just gave the example, 10 percent would be \$200. Commissioner Kicklighter said, he's not paying the \$2,000.

Chairman Hair said, okay, I'll entertain a motion.

Commissioner Jackel said, I move that we approve. Chairman Hair said, we have a motion. Do I have a second? Let's go ahead with the motion. Do I have a second? Commissioner Murray asked, what was the motion? Chairman Hair said, the motion is to approve. Chairman Hair said, okay, the motion dies for lack of a second.

Chairman Hair recognized Mr. Pat Monahan.

Mr. Monahan said, I'll just address a few questions. The Commission adopted this as a policy. We've had maybe –, as far as I know, at least one other group that has paid the money. It was the Carolina Carters Southeast Association rented it for three days and paid the fee, but this is –, it's totally within the Commission's discretion on how it wants to treat it. We really didn't anticipate a local group using the pit and paddock. It was designed –, that \$2,000 fee was designed for festivals –. In fact, it says that in the policy, festivals and exclusive use of the pit and paddock. It was not envisioned as for the type of use that Mr. Migchelbrink plans.

Commissioner Murray said, let me ask a question. Has this been cleaned up since all the construction stuff over there? Is it where it can be utilized now? Mr. Monahan said, it's fairly clean now. You might recall the reason it has not been used recently is because of the overflow parking for Hutchinson Island until the County completed its parking garage. So, but, yes, it is available.

Commissioner Odell asked, have we completed the parking garage? Mr. Monahan said, yes sir.

Commissioner Murray asked, and you represent a local group? Mr. Migchelbrink said, yes sir. We're the Coastal Empire –.

Chairman Hair said, I appreciate Commissioner Rayno raising that issue. I think that's very legitimate and I think he, you know, he's obviously done his homework and I appreciate that, but I think, again, there's risk in every vote we take up here and, you know, I just think that I have –, I don't mind saying yes to some and no to others and if they want to sue me, sue me, but I just think that this is the right thing to do and I think it does support a local group and, you know, if we, you know, if we took every possible fear, we'd never vote for anything. You know, I mean, if we had a lawyer explain everything to us, we'd never vote for things, so I understand it, Commissioner Rayno, I appreciate your concern, but I prefer to support this. I'd second his motion, of course, I can't second motions or I would second his motion.

Commissioner Kicklighter said, I'm going to follow your lead, Mr. Chairman. If you don't mind taking a risk, then I'll take a risk with you. Commissioner Murray said, what's –, I mean, somebody –, we don't have a motion. Chairman Hair said, well, he made a motion and it died for lack of a second.

Commissioner Jackel said, I make a motion that we allow them to use this space based upon they pay us 10 percent of the participant's fee. Chairman Hair said, which is the staff's recommendation.

Commissioner Murray said, and I will second the motion, but I'd still like to ask a couple –, make a couple of statements. You know, if we put these fees in, this particular Commission didn't, we did a while back, and it was done designed to cover our costs and those type things when we had something at any of the public functions, and we have given waivers in certain instances, mainly for governments and things like that. I have no problem –, I mean, he's still going to be paying a fee, it's only going to be a percentage if I understand correctly. Chairman Hair said, that's correct. Commissioner Murray said, these are local people that live here and pay taxes and certainly paid taxes to help build that paddock over there, and that's why I seconded the motion and I'll vote in favor of it.

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

Mr. Migchelbrink said, thank you, gentlemen and lady.

Commissioner Kicklighter said, I'll tell you, from now on when Mr. Rayno addresses you, just do like I do and just go yes, yes.

ACTION OF THE BOARD:

Commissioner Jackel moved to approve the waiver of the fee for the Sports Club of America to use the pit and paddock area of Hutchinson Island based upon their paying 10 percent of the proceeds from the participants' fee and meeting other requirements, including insurance and indemnification on behalf of Chatham County, Georgia Ports Authority and CSX Real Property/Savannah Harbor Resort Developers. Commissioner Murray seconded the motion. Chairman Hair and Commissioners Rivers, Jackel, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and Odell voted in opposition. The motion carried by a vote of seven to two.

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4. APPEAL FROM HATHAWAY DEVELOPMENT COMPANY TO PAY FULL COST OF TRAFFIC SIGNAL AT JOHNNY MERCER BOULEVARD AND WHITEMARSH ISLAND ROAD.

County Manager Abolt said, there's been a request by the applicant that we delay it until the 29th of June.

Commissioner Murray said, before we do that, I'd like to have some discussion on it. We can have it again on –, what date? County Manager Abolt said, in his letter, sir, he requested the 29th, which is your last meeting in June. Chairman Hair asked, why do we want to discuss it twice? Commissioner Murray said, no, no. I think it's done intentional, they know I will not be here at that meeting, and I represent that district, and it's an absolute –. We do not have any business granting this waiver they want and paying for that light. They're the ones coming in and causing development, they should be responsible for it, and they should pay for it. That was in the plan, that's the recommendation from MPC –. County Manager Abolt said, the motion was made. Commissioner Murray said, and I will not be here at the last meeting in June. Chairman Hair said, well, make a motion. Commissioner Murray said, I move that we deny the recommend–.

Chairman Hair said, I only have one problem with that motion, and I missed the question to the attorney. I know we have the legal right to deny without them being present, but did anybody tell them that it was going to be delayed? County Manager Abolt said, no sir, we just received the letter from them communicating their desire to delay it –. Chairman Hair said, so they were not –.

Commissioner Murray said, well, I don't have a problem with putting it off if they can be here June 8th, but if they cannot –. Chairman Hair asked, there's no communication from any staff member that said that we would put it off? I just want to make sure we're fair. You know, I understand your concern, Commissioner Murray, and I don't have a problem with it, but I just want to make sure we're fair. If somebody told them –, Commissioner Murray said, I do not have a problem with June 8th.

Commissioner Rivers said, well, table it until a time specified, Commissioner Murray.

Commissioner Murray said, I would move that we table it until June 8th and not any further. County Manager Abolt said, you'll have to [inaudible] your question. I want to make sure that I'm correct because what I communicated to you was a memorandum from Mr. Newton. I don't know whether –. Chairman Hair said, I just want to make sure that nobody said to them that it's going to be delayed and that's why they aren't here. I just think it's fair.

Mr. Milton Newton said, no, the only promise that we conveyed to them was that we would convey their request to the Board. Chairman Hair said, okay. So we have a –, Frank [Murray] moved to table it to the 8th. Commissioner Thomas said, second.

Commissioner Murray said, I'll move that we table this until June 8th, but that's the last date –. Commissioner Thomas said, second.

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

ACTION OF THE BOARD:

Commissioner Murray moved to table until June 8, 2001, the appeal from Hathaway Development Company to pay full cost of traffic signal at Johnny Mercer Boulevard and Whitemarsh Island Road. Commissioner Thomas seconded the motion and it carried unanimously.

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5. REQUEST FOR WAIVER OF HIRING FREEZE:

- **JUVENILE COURT: PROBATION OFFICER I (2 POSITIONS AND RESULTING VACANCIES IF FILLED FROM WITHIN); DEPUTY COURT CLERK II (1 POSITION AND RESULTING VACANCIES IF FILLED FROM WITHIN)**
- **ICS: COMPUTER FIELD TECHNICIAN (1 POSITION AND RESULTING VACANCIES IF FILLED FROM WITHIN)**
- **POLICE: EMERGENCY COMMUNICATIONS OPERATOR (1 POSITION)**
- **PUBLIC WORKS: EQUIPMENT MECHANIC I (1 POSITION); BRIDGE TENDER (2 POSITIONS)**
- **LIBRARY: LIBRARY PAGE (6 POSITIONS AND OTHER LIBRARY PAGE POSITIONS AS THEY BECOME VACANT)**

Juvenile Court:

Probation Officer I (2 positions and resulting vacancies if filled from within)

Deputy Court Clerk II (1 position and resulting vacancies if filled from within)

Chairman Hair said, we have the judge here to explain that to us.

Commissioner Odell said, Judge, I'll make a motion to approve the Probation Officer position. I'd like to separate these, and I do so because we have a serious growing problem with crime for those people 16 and under, and probation officers are absolutely essential to make sure that those people who are on probation are monitored.

Chairman Hair said, we have a motion. Do I have a second? Commissioner Jackel said, I'll second that. Chairman Hair asked, do we have discussion? All right, this is a motion to approve the probation officer, right. All those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Jackel, Odell, Gellatly and Thomas voted in favor of the motion. Commissioners Rayno, Murray and Kicklighter voted in opposition. The motion carried by a vote of six to three. Chairman Hair said, the motion passes.

Chairman Hair said, now we are dealing with the Deputy Court Clerk II. Chairman Hair recognized Judge Beam.

Judge John Beam said, Mr. Chairman and members of the Commission, this is a position we've had open for five and a half months and we did that because we knew the budget was in crises, and we wanted to try to assist in the way that we could. We have a clerk who is going to be retiring in June. The clerks have been seriously undermanned and they've

struggled to get by, and when this other clerk retires in June, it's going to be very, very difficult for them to get by. We need to fill these positions and then I assure you –.

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

Judge Beam said, I assure you we will continue to do our best and hold positions open as long as we can. Chairman Hair said, Judge, I'd also like to commend you. Back a few months ago when we were trying to get a handle on the budget, we asked all the constitutional officers to come, and Judge Beam came himself personally and spent time in our office trying to work with us, and I appreciate that very much.

Commissioner Odell said, just one last comment. I think the Judge will tend to agree and I know our Chief of Police probably will, that in the years to come the largest growth in crime would be for those 16 probably and under. It has the largest area of growth for crime. Judge Beam said, I saw as recently as today that showed it's going to be not there, but all youthful offenders, all up to mid-20's, but that area is the area which is growing the most, and actually juvenile crime is not any more than those people who are between 17 and 25 is what I saw, which I thought was real interesting, but it is the young. Commissioner Odell said, it is the young, that's my point, the crime rate is increasing, but I wanted to finish off the statement by saying that I think you are doing an excellent job. It's not an easy area and I think we are fortunate to have you and Judge Ayala. Judge Beam said, thank you. If anyone wants to volunteer at the court, we'll be glad to have you.

Chairman Hair said, thank you Judge. We appreciate that very much.

ICS:

Computer Field Technician (1 position and resulting vacancies if filled from within)

Chairman Hair recognized Mr. Lewis Leonard.

Mr. Leonard said, this position is funded out of a lease agreement. It has no impact on the budget; however, we would like to fill it with an in-house person who is in another position, so we'd like also to have that position waived.

Commissioner Kicklighter asked, where does the funding come from? Mr. Leonard said, a lease agreement.

Commissioner Rayno asked, how do we pay off the lease? Mr. Leonard said, I'm sorry. Commissioner Rayno asked, how do we pay the lease off? Mr. Leonard said, through M&O, ad valorem. Commissioner Rayno asked, pardon? Mr. Leonard said, M&O funding. Commissioner Rayno asked, so that it is tax dollars then, right? Mr. Leonard said, yes. Yes sir. Commissioner Rayno said, so it does come from tax money.

Commissioner Jackel said, but we have to pay the lease off whether we fill this position or not. Mr. Leonard said, right. This position is –, was funded in the lease by the Board to accomplish the projects that were –.

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

Police:

Emergency Communications Operator (1 position)

Chairman Hair recognized Chief Tom Sprague.

Commissioner Odell said, I'll make a motion to approve. Chairman Hair said, motion. Commissioner Thomas said, second. Chairman Hair asked, any discussion? This is Police Emergency Communications Officer. Anybody have any questions of the Chief? If not, all those opposed vote not, for vote yes. The motion carried unanimously. Chairman Hair said, it passes.

Public Works:

Equipment Mechanic I (1 position)

Bridge Tender (2 positions)

Chairman Hair recognized Mr. Robert Drewry.

Mr. Drewry said, good morning –, good afternoon. The bridge tender positions are routine shift positions, the two bridge tenders and the mechanic is routine maintenance, which has been vacant now since at least the beginning of the year and,

as you know, the bridges have to be operated and manned 24 hours a day, 7 days a week, and I've pretty much exhausted my overtime trying to cover that.

Chairman Hair said, Commissioner Odell and then I've got a quick question for you.

Commissioner Odell said, Robert [Drewry], my question is –, the answer will be [inaudible], the equipment maintenance, if we do not hire this position will either (a) not operate the equipment or (b) send it out to be maintained elsewhere. Mr. Drewry said, this kind of –, this equipment maintenance is providing lubing and greasing, repairing electrical failures, the gates get hit all the time by cars and we have to put new gates up, changing bulbs, things like that, cleaning contacts on the electrical. It's not an equipment operator position. County Manager Abolt said, it's at the bridge, at the bridge. Commissioner Odell asked, at the bridge? Mr. Drewry said, it's strictly the bridge, I'm sorry, yes. Commissioner Odell said, we know about that. I'll make a motion to approve. Commissioner Odell asked, second? Commissioner Thomas said, second.

Chairman Hair said, before we do, I've got a quick question for you, Robert [Drewry]. I ride by the Skidaway Narrows Bridge all the time, that's how I have to go home. I'm curious, and this is just really not directly related, but semi-related. When –, and I see the shift changes a lot, and a lot of times they're, you know, obviously employees that drive their own personal cars, but sometimes you will see a –, one of our County trucks there or a County vehicle there. Could you explain why that is true? Mr. Drewry said, yes, that's quite easy. Occasionally, particularly with the problems we're having now with the manpower shortages, the Superintendent's either having to pull a shift and go out there at odd times at night to do whatever maintenance needs to be done and to do shift work and tend the bridges. Maintenance needs to be done if we have a problem with the bridge at that time, so it's –. Chairman Hair said, I'm talking about actions of the operator position though, and I see them when no work's being done, it's just you'll see a County vehicle out there parked in the little parking lot right there. Mr. Drewry said, the Superintendent's doing some sort of a –, it's either maintenance or he's doing a shift himself is all I can tell you.

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

Library:

Library Page (6 positions and other Library Page positions as they become vacant)

Chairman Hair recognized Mr. Bill Johnson.

Mr. Johnson said, good afternoon. Library Page positions are part-time, very low paid positions. We have a very high rate of turnover in those positions, and it's really production work. These are the people who re-shelve the books that our customers check out. They're checking out 25 percent more books than we did last year. [Inaudible] is a very difficult thing to count.

Chairman Hair said, Commissioner Odell has a question.

Commissioner Odell said, Mr. Johnson, how many of these will be for Liberty County and Bryan County [sic]? Mr. Johnson said, none. These are all in Chatham County. Commissioner Odell asked, this is just us? Mr. Johnson said, yes sir.

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

ACTION OF THE BOARD:

1. Commissioner Odell moved to approve waiver of the hiring freeze for Juvenile Court: Probation Officer 1 (2 positions and resulting vacancies if filled from within). Commissioner Jackel seconded the motion. Chairman Hair and Commissioners Rivers, Jackel, Odell, Gellatly and Thomas voted in favor of the motion. Commissioners Rayno, Murray and Kicklighter voted in opposition. The motion carried by a vote of six to three.
2. Commissioner Jackel moved to approve waiver of the hiring freeze for Juvenile Court: Deputy Court Clerk II (1 position and resulting vacancies if filled from within). Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rivers, Jackel, Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion carried by a vote of five to four.
3. Commissioner Thomas moved to approve waiver of the hiring freeze for ICS: Computer Field Technician (1 position and resulting vacancies if filled from within). Chairman Hair seconded the motion. Chairman Hair and Commissioners Rivers, Jackel, Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion carried by a vote of five to four.
4. Commissioner Odell moved to approve waiver of the hiring freeze for Police: Emergency Communications Operator (1 position). Commissioner Thomas seconded the motion and it carried unanimously.

- 5. Commissioner Odell moved to approve waiver of the hiring freeze for Public Works: Equipment Mechanic I (1 position) and Bridge Tender (2 positions). Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rayno, Jackel, Odell and Thomas voted in favor of the motion. Commissioners Murray, Gellatly and Kicklighter voted in opposition. The motion carried by a vote of five to three. [NOTE: Commissioner Rivers was not present.]
- 6. Commissioner Odell moved to approve waiver of the hiring freeze for Library: Library Page (6 positions and other Library Page positions as they become vacant). Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Jackel, Odell and Thomas voted in favor of the motion. Commissioners Rayno, Gellatly and Kicklighter voted in opposition. The motion carried by a vote of four to three. [NOTE: Commissioners Rivers and Murray were not present.]

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X. ACTION CALENDAR

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

Chairman Hair asked, Commissioner Jackel, how many do you want to pull off? Commissioner Jackel said, I give it a clean bill of health to the Action Calendar. Chairman Hair said, oh, my God. Commissioner Murray said, I've got a few. I'd like 3 and 8-C, D and F.

Commissioner Rayno asked were the changes made on the minutes I sent in? County Manager Abolt said, I didn't see them, sir. Commissioner Rayno said, page 15 on the minutes, Commissioner Rayno made a motion to deny the Weatherwood Subdivision, it says Commissioner Rivers made the motion. Can she just make that change? County Manager Abolt said, I've did seen it, sir?

Chairman Hair said, all right, I'll entertain a motion to approve the balance of the Action Calendar. Commissioner Thomas said, move for approval. Commissioner Rivers said, second. Chairman Hair said, motion and second. All those in favor vote yes, opposed vote no. The motion carried unanimously.

ACTION OF THE BOARD:

Commissioner Thomas moved that the Action Calendar be approved in its entirety with the exception of Items 3, 8-C, 8-D and 8-F. Commissioner Rivers seconded the motion and it carried unanimously.

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

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1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON MAY 11, 2001, AS MAILED.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the minutes of the regular meeting on May 11, 2001, as mailed. Commissioner Rivers seconded the motion and it carried unanimously.

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD MAY 3 THROUGH MAY 16, 2001.

ACTION OF THE BOARD:

Commissioner Thomas moved that the Finance Director is authorized to pay claims for the period May 3, 2001, through May 16, 2001, in the amount of \$3,259,623. Commissioner Rivers seconded the motion and it carried unanimously.

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3. REQUEST BOARD AUTHORIZE THE CHAIRMAN, COUNTY ATTORNEY, CLERK OF THE COMMISSION AND COUNTY ENGINEER TO SIGN ALL REQUIRED DOCUMENTS TO ENABLE CHATHAM COUNTY TO PARTICIPATE IN THE LOCAL ASSISTANCE

**RESURFACING PROGRAM (LARP) WITH GDOT FOR THE RESURFACING OF COUNTY ROADS.
[ALL DISTRICTS.]**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I don't have any problem with this other than the fact that we're only receiving three roads. County Manager Abolt said, out of 118, sir. Commissioner Murray said, that's right. Have they cut back on the amount that they're doing? County Manager Abolt said, yes sir. Following this last legislative session it was a major issue with y'all and also ACCG. It's a substantive retrograde from our needs.

Chairman Hair said, I want to –, let me address that though. I think that we have to look at the Georgia DOT in its total perspective. These folks are awful good to us and especially on the big dollar projects, and I will say this, they also, and I've heard this from the Commission and the Chairman, that they're just as concerned about that cutback in money as we are and they're doing everything they can to correct in the Legislature. I would just hate to send any message to the DOT that, you know, we feel like we're not getting our fair share because I really think we're getting our fair share and more. Commissioner Murray said, Russ [Abolt], that was not my point. Chairman Hair said, well, I know –. Commissioner Murray said, and I don't want to send any message like that to the DOT. I was just asking out of the hundred and some-odd roads that we requested, we only –, I saw where we only had three of them that were approved –. Chairman Hair said, that's correct, and it was a funding issue. Commissioner Murray said, and I was trying to find out why, not to send a bad word to the DOT.

Chairman Hair asked, do we have a motion? Commissioner Jackel said, I'll move. Commissioner Odell 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:

Commissioner Jackel moved to authorize the Chairman, County Attorney and Clerk of Commission and County Engineer to sign all required documents to enable Chatham County to participate in the Local Assistance Resurfacing Program (LARP) with GDOT for the resurfacing of County roads. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Jackel, Odell, Gellatly and Kicklighter voted in favor of the motion. [NOTE: Commissioners Murray and Thomas failed to cast a vote.]

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- 4. REQUEST BOARD APPROVE A LOCAL GOVERNMENT PROJECT AGREEMENT WITH GDOT FOR THE WIDENING OF STATE ROUTE 307 FROM US HIGHWAY 17 TO INTERSTATE 16.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Thomas moved to approve a local government project agreement with GDOT for the widening of State Route 307 from U. S. Highway 17 to Interstate 16. Commissioner Rivers seconded the motion and it carried unanimously.

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- 5. REQUEST FROM STEVENSON & PALMER, AGENT FOR SOUTHEAST BUILDERS, TO RECORD THE FINAL PLAT FOR HENDERSON TOWNHOMES, PHASE 3.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the request from Stevenson & Palmer, agent for Southeast Builders, to record the final plat for Henderson Townhomes, Phase 3. Commissioner Rivers seconded the motion and it carried unanimously.

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- 6. REQUEST BOARD APPROVE EARLY ACQUISITION OF PROPERTY OWNED BY MR. AND MRS. GEORGE R. REID AT 9137 WHITFIELD AVENUE FOR TRUMAN PARKWAY, PHASE 4.
[DISTRICT 1.]**

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the early acquisition of property owned by Mr. and Mrs. George R. Reid located at 9137 Whitfield Avenue for Truman Parkway, Phase 4. Commissioner Rivers seconded the motion and it carried unanimously.

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- 7. REQUEST FOR NEW SUNDAY SALES OF BEER, WINE AND LIQUOR POURING FOR 2001. PETITIONER: ANGUS J. HAYNES, D/B/A COUNTRY SOCIAL CLUB OF SAVANNAH, LOCATED AT 5150 JASMINE AVENUE. [DISTRICT 3.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the petition of Angus J. Haynes, d/b/a Country Social Club of Savannah, located at 5150 Jasmine Avenue, for a new Sunday sales of beer, wine and liquor pouring for 2001. Commissioner Thomas seconded the motion and it carried unanimously.

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

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. One (1) light vehicle 4-wheel aligner	Fleet Operations	Brooks Auto Parts	\$24,200	General Fund/M & O - Fleet Warranty Reimbursements
B. Change Order No. 4 to the contract for the construction of the Jimmy DeLoach Parkway Interchange at SR21 for drainage structure adjustments	SPLOST	R. B. Baker Construction, Inc.	\$22,528.38	SPLOST (1993-1998) - Jimmy DeLoach Parkway, Phase II (pending transfer)
C. Annual contract with option to renew for two additional one year terms to provide a fitness center at the Aquatic Center	Aquatic Center	Lifetime Fitness, Inc.	\$1,000 per month payable to Chatham County	Revenue Producing
D. Annual contract with option to renew for two (2) additional one-year terms to provide a pro shop at the Aquatic Center	Aquatic Center	Friends Unlimited SWIMshop	Set percentage of gross sales payable to Chatham County	Revenue Producing
E. Change Order No. 4 to the contract for the relocation of Science Drive to lengthen the entrance/exit ramp on Apache Drive	SPLOST	Triangle Construction Company, Inc.	\$4,815	SPLOST (1993-1998) - Reserve for Specified projects (pending transfer)
F. Change Order No. 9 to the contract to provide construction observation and quality control inspections of the drainage improvement project adjacent to Central Avenue	SPLOST	Stevenson and Palmer Engineering	\$14,000	SPLOST (1998-2003) - Romney Place Drainage
G. Proprietary software upgrade to EOC web	CEMA	Emergency System Integrators (ESI) - sole source	\$22,665	CEMA Special Account

Items 8-A, 8-B, 8-E and 8-G:

Commissioner Thomas moved to approve Items 8-A, 8-B, 8-E and 8-G. Commissioner Rivers seconded the motion and it carried unanimously.

Item 8-C:

- C. Annual contract with option to renew for two additional one-year terms to provide a fitness center at the Aquatic Center; Lifetime Fitness, Inc.; \$1,000 per month payable to Chatham County; Revenue producing.**
- D. Annual contract with option to renew for two additional one-year terms to provide a pro shop at the Aquatic Center; Friends Unlimited SWIMshop; Set percentage of gross sales payable to Chatham County; Revenue producing.**

Chairman Hair asked can we deal with these at one time. Commissioner Murray said, C and D can be dealt with at the same time, but I'm not opposed to them. Chairman Hair said, let me read them into the record. Chairman Hair then read Items C and D into the record. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, my question is, we haven't ever done anything like this before out there. It's been under the contract with the people running the place. Is that correct? Mr. George Lynch said, yes, it was with Champion Corporation. As part of our restructuring where Chatham County took over the financial aspects, we're re-homing these contracts. Commissioner Murray asked are we responsible for doing any of the construction or doing anything or giving them anything, or are they responsible totally for everything they do out there? Mr. Lynch said, they are responsible for what they do. We support none. We don't buy inventory. We don't hire people to work for them. We don't contribute to them. They give us revenue. Commissioner Murray said, I understand that. That part wasn't my question, although it is on Item D when we've got a different type contract where it's a set percentage of the gross sales payable to Chatham County. How are

we going to audit that? Mr. Lynch said, fundamentally –. Commissioner Murray said, you know as well as I do, cash sales –, you can't check on cash sales. Mr. Lynch said, you can go on tapes, you can go on observation. Is there a one hundred percent? No. Commissioner Murray said, I just feel like on that –, and I'll support it, but I just feel like we need to have a firm month set –.

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

Item 8-F:

Change Order No. 9 to the contract to provide construction observation and quality control inspections of the drainage improvement project adjacent to Central Avenue; SPLOST; Stevenson and Palmer Engineering; \$14,000; SPLOST (1993-1998) - Romney Place Drainage.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, this project –, we don't have anybody on staff that could be responsible for this? County Manager Abolt said, this was a wrap-up of the work. Commissioner Murray asked, I mean, we don't have anybody on staff that's qualified –? Mr. George Lynch said, we have people –. County Manager Abolt said, Romney Place and drainage. Mr. Lynch said, of the drainage adjacent to do construction observation on the drainage –. County Engineer Bungard said, we have –. Mr. Lynch said, by Central Avenue. County Engineer Bungard said, we have a vacant engineer –, inspector position that's been vacant now for almost a year. We have no construction inspectors. Commissioner Murray said, I move for approval. Commissioner Odell said, second.

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

ACTION OF THE BOARD:

1. Commissioner Thomas moved to approve Items 8-A, 8-B, 8-E and 8-G. Commissioner Rivers seconded the motion and it carried unanimously.
2. Commissioner Kicklighter moved to approve Items 8-C and 8-D. Commissioner Thomas seconded the motion and it carried unanimously.
3. Commissioner Murray moved to approve Item 8-F. Commissioner Odell seconded the motion and it carried unanimously.

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XI. FIRST READINGS

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

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

1. **AMENDMENTS TO REVENUE ORDINANCE ALLOWING FOR CHARGES BY SAGIS FOR CERTAIN PRODUCTS. SUCH CHARGES ARE AUTHORIZED BY SENATE BILL 230.**

ACTION OF THE BOARD:

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

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2. **ISLANDS AREA COMMUNITY PLAN, ZONING ORDINANCE TEXT AND MAP AMENDMENTS.**

[NOTE: This item was taken out of order and was heard following Item VII-4.]

Chairman Hair said, before I open it up for discussion, I'd like to make an opening comment. First of all, I am very much in favor of the Land Use Plan. I think it's something that's needed; however, I think it has some serious flaws in it. I think —, and I'll point out three of them. One is I do not believe that we have ample protection for current property owners in terms of if something were to happen to the property if —, their ability to rebuild. I think a second problem with it is we have a definition in there for a fast food restaurant that I think is seriously flawed. I think it needs to be revised. We need one in there for that, but it's not sufficient, and I just think this thing needs a lot of work. This argument that's going to be made today probably by some who'll say, well, we'll deal with those issues in phase two and phase three. It reminds me a little bit about, trust me, I'm with the government and I'll protect you. I just think we need to get it right to start with and not say we're going to cover something in the next two phases. So we'll have ample discussions, but I think at some point today we might need to send this back, we might need to table it and send it back for further review. At this point I'll call on Commissioner Rayno first.

Commissioner Rayno said, it is a first reading so it's just the Commissioners commenting today, isn't that correct?

Commissioner Murray said, I'd like to make a clarification on that. There was a letter sent out by MCP [sic] that said this meeting would be on the 25th in the County Commission Meeting Room and people would be allowed to come and voice their concerns, and I think that we're going to have to allow them to voice their concerns at the first reading. Chairman Hair said, I think that the MPC was in error in doing that, but I agree with Commissioner Murray. I think if we told the people that, we have the obligation to live up to that even though I think in the future I would hope the MPC would not —, it is, Commissioner Rayno is correct. We did pass a policy that only Commissioners would talk on first readings, and I think the MPC sent out information that was inconsistent with that, so I would appreciate in the future that not happen. Commissioner Murray said, I would like for somebody to get with the MPC staff and explain our policy on first and second readings though because some of them are not aware of that. Chairman Hair said, well, Mrs. Stone is here today so I am sure she is hearing this conversation and will make sure that in the future that we don't have any discussion on first readings other than Commissioners' questions. So we'll make sure we correct that in the future.

Commissioner Rivers said, if you want to do it formally, I'll make a motion that we waive that policy. Chairman Hair said, okay. Do I have a second to that? Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present.] Chairman Hair said, thank you, Commissioner Rivers, that was a very good motion.

Chairman Hair said, Commissioner Rayno and then Commissioner Jackel and then we'll give everybody else —, I know there's a number of people in the audience that want to speak.

Commissioner Rayno said, I agree with the Chairman that it's good to have a plan and I know that five years were spent on this plan in the making, but there's some serious flaws like the plan doesn't seem to address major issues like the placement of cell towers and the height of those cell towers within the Islands area, which could be a very large concern for some people. The need for the handicapped and the accessibility issues in the planning and development is not addressed in the plan whatsoever, and we need to be concerned about our handicapped community, and again the larger question of not if we get a hurricane, but when we get a hurricane in this area, how are we going to rebuild it? Is that addressed in this plan, and it's not. It's not even touched upon because we try to keep that in the back of the minds that it's never going to happen to us. Another possible loophole is on page 34 under the Goal 3.2.1 within the second paragraph where it states: New standards should address land use and environmental buffers, building height, site design, and building design. All lawyer could take that statement where it says should address and make it not be addressed at all. It should say will address these issues, so they should be completely removed from that. On page 47, when you see the first bullet point: The Islands Community is 94 percent spatially developed, and a proportion of the remaining land should be developed to accommodate segments of mature age structure, such as empty nesters leaving their larger homes and desiring to remain in the community. This is age discrimination against young people who might want to live in the community, and it suggests strongly that the community should only be for older folks, and that kind of wording within our Federal guidelines, our State guidelines and possibly our local guidelines is discriminatory to leave that in there. Commissioner Rivers asked, where's that? Commissioner Rayno said, it's on page 47. Commissioner Rivers asked, where? Commissioner Rayno said, where you see the first bullet point. And some of the goals and visions of this plan might cause tax increases. The suggestion of increasing the library size is going to require a positive vote for a SPLOST referendum, but there's no money involvement to equip that library with books, there's no money to equip that library with staff, and there's no money to equip that library to pay the electric bill. Also, if you create more recreational space we do not have the money to maintain the new facilities we're going to build. We do not have the money to fund the staff that would be on that new facility. On page 36 there's a request for funding a County-wide historic preservation position by instituting a historic and archeological review fee. That's a tax increase in my book to people that might want to build, and also the user fee does not cover the cost of that person the taxpayers are going to end up paying the cost of that department. With a new department comes trucks, benefits, copy machines, desks, office space. It all adds up. And then last, but not least, I think we should do a cost benefit analysis to see what it would cost the County if we do implement this plan, what it's going to cost in terms of a higher tax increase for the taxpayers and I think that's enough to chew on for a while.

Chairman Hair said, Commissioner Jackel and then Commissioner Kicklighter.

Commissioner Jackel said, okay. I've got a long list. One, in the commercial area I want to see the zoning deal with hours of operation. I know that was one of the main complaints when we were talking about the Kroger being the —, how many hours it was going to be open, and that was both the one that's out there near Bethesda and that was a big fight that we

had when they opened the Kroger's downtown, and if we place the hours of operation in the zoning and we can agree on what reasonable hours of operation can be, then adjacent property owners will not be disturbed by diesels and people unloading trucks and hollering about this and hollering about this at odd hours. I think that needs to be absolutely figured out and put in here. I've heard –, the number one comment I've heard is the hurricane. Now it seems to me that the hurricane plan is what we have –, our people are already doing that and that's aside from the MPC. The problem I see in hurricane planning is people say, well, what if the hurricane comes and it knocks my house down and this, that and the other. We're going to have emergency regulations in place, we're going to have to because we're going to have to move very quickly and we're going to have to get people started back, but I don't know exactly how you plan for a hurricane when you don't know whether it's the David type that came through and did almost no damage except for toppling over a few trees, or it's a Hugo one that would wipe everything out. I mean, do you have a plan that says what if we have almost no damage to one that has total destruction, one that has 90%, one that has 80%, one that has 60%. We have to have some planning, but I don't think we can have those multitudes of plans, and that leads to a concern that the Chairman has had with destruction of a single residence. We have nonconforming uses out there and they are certainly grandfathered in as far as residential property, but some of these houses are built right up to the road and now we have setback requirements. Some of them are on huge lots, some of them may not be. If a house burns to the ground, I think it ought to be built back under the new requirements. I don't think it ought to be built up to the road. I think it ought to fit in with the new safety requirements, the new electrical, the new whatever it is. If they had old rotten plumbing, I don't think they should build it back with old rotten plumbing, so I don't have that concern for that reason. Now some of my more specific concerns are on page 7 in the bottom two paragraphs. I really don't have any comparisons. I just don't have the knowledge to know if that's a good figure, 0.92 per acre, or should we be shooting for another figure. If I could receive comparisons from other areas, that figure would be more valid to me. It may be an excellent figure. I just have –, I'm not in that business, I don't know. I can tell you what reasonable attorney's fees are, but I can't judge that fee. On page 12, again we're talking about Hilton Head and density. Density is a tricky word to use, and I guess it's the word we have to use, but I think we need to understand the difference between higher density and overcrowding. Overcrowding to my mind is when you have a two bedroom apartment and three families living in that one apartment. That's overcrowding. High density, one of the highest densities in this country to my understanding is Fifth Avenue in New York. There are more services than luxury there, but it's because of the high rises. Density provides services. Without enough density you don't have anything. I mean, you just go to a rural area and you don't have anything at all out there except what you can find at a convenience store because there's no density of population to support it. So I –, we need to strike the right balance with density and we need to make steps to assure that we do not have overcrowding. I think Hilton Head again is the only thing I keep seeing in here. I wish we had more comparisons other than Hilton Head, and again they have density, but I don't believe they have overcrowding, and that provides for a level of service that's needed. On page 37 one of the goals is to prevent loss of or damage to trees and natural vegetation lining boulevards and roads. I applaud that. I think that is a thing we need –, need to move on. I think it's what makes this area very unique. Any of the tourists I've ever talked to, they all talk about our overhanging trees and the tunnel effects, and I think that's one of the great things. I'll try and move through these things quickly. The same objective to create and maintain a buffer against U. S. Highway 80. I think that's one of the real positive things in here. 3.4.2 to preserve existing trees to the greatest extent possible in existing developed areas, new developed areas, and public lands. To encourage developers to set aside open space by structuring incentives in the zoning ordinance. Now I think that's one of the really good things in here. It's by doing it by an incentive program and not just because otherwise it may not get done. We don't want to just used a stick. With this thing here we're using a carrot, and I think often a carrot is more effective than the stick, and I think that's excellent. Under 3.4.5, limit the impacts of development on environmental resources with setbacks, riparian buffers, and improved stormwater management. Those are essential. We have to do that, and I think we need to make sure that the future development, make sure we achieve those. Limit the massing of development on shorelines and marsh lines to preserve community character, prevent shoreline blight, and protect natural resources. I think we need to add to that the hammocks, protection of our hammocks, and I don't know, there's no inventory of that so when we can we need to add that in there. All right, now the one that also is getting a lot of talk is limiting the height of buildings in all zoning districts in the overlay district to a maximum of height of 35 feet. Greater heights may be available in the Town Center overlay once it is adopted. I think people are not hearing that second part. So commercial can be higher once we get the Town Center overlay, but the residential is 35. Now I do have a concern though. I think 35 feet is probably adequate, but I have a concern. Would 35 feet be adequate if someone has to build because of the flood plain 12 feet off the ground? Now is it –, we're talking about just the –, we're talking about the limits to height of building. I assume we're talking about the total height and we don't start measuring from where the ground floor is. So that is not clear to me whether we're dealing about height off the ground when we're talking about a flood plain area, and in some areas I think it's almost 14 feet before they can start building. So if you take 14 feet away, they would have real trouble developing a two-story house. I think we need to have some –, some built-in exception for people building on a flood plain, otherwise we're going to run into problems. On page 40, I want to applaud the previous Commission that we had in that they had the foresight through the leadership of our Chairman, and I want to give special thanks to Commissioner Murray on the acquisition of this Demere property because that was the last single big tract out there developed for that and through the Chairman and Commissioner Murray's leadership we acquired that property. I think future generations will save it. I agree with what it says here, but I'm not sure how active we want that park. I know we have agreed for a period of like 20 years to keep it passive, so we're already locked in for 20 years under a restrictive covenant that we can do nothing but keep it as a passive park where people could walk and do things like that there, and then we'll have to make the decision at some future time with what else we want to do. I think that was one of the things I was proud of on my last term was that we did that. On page 41, I think anyone who's downtown might see more and more bicycles. People were laughing about the bike racks on the buses. I don't think they're laughing anymore. I think anybody who's downtown sees the bikes on the bike racks. If you go by any of the SCAD facilities, the bike racks are just filled with some 20 or 30 bikes out there. Objective 5: To ensure that sidewalks and bikeways are built in conjunction with all road improvements is an admirable objective, and I hope we do that. I would also ask us to consider that if someone is building some housing and they come to us and say to make this a saleable price could we only have sidewalks on one way, we allow that on one side.

At some point to make this housing more affordable, that we don't totally rule that out, that we take that on a case-by-case basis. On page 43, 3.7.3 Goals, the libraries, we must have libraries. It's true the only way we can build the libraries is through SPLOST. It's also true once we build them we have to maintain them. We have to come up with the money somewhere. To me when we spend money for libraries, it's an investment into our future. It's not just spending, and it's something that with all the development and everything, we're going to need a new level of library service and we're going to have to do it. I was in a discussion the other day with several attorneys and one of them was saying he was amazed at a couple of friends of his who were attorneys that I just don't read at all, I read what I have to at work, but I just don't read any novels, I just don't read any non-fiction, and my question always to people like that is I don't understand the difference between people who can't read and people who don't read. I'm not sure there's any real difference, and libraries can make that difference. And so whatever it takes I think we need to move forward with that. The goal of 3.7.4 is an admirable goal about the fire rating service. I would like to know more about that, what needs to be done, because there's probably some little things that we could do that wouldn't cost us much money and we could save people substantial money on their insurance, but this is an area I have no knowledge, and I would like us to find out what could be done so we could help people reduce their insurance premiums for fire. On page 46, again we're -, the Islands have made it clear that high-density housing is inconsistent with their perception of the area. They perceive the community as one of low-density, single family detached housing, defined as four dwellings per unit [sic]. Then it goes on to say that the land use plan proposes that it remain about 70 percent as a matter of public policy. Again, I've been hearing things out there that this should be some sort of paradise for single family places, when in effect the goal is 70 percent, so 30 percent can be otherwise, so there will be diversity of housing if the goals are met, so I-, but I do not have, again, any expertise to know whether 70 and 30 percent -, what that means. If I had some comparables, I would better be able to tell what that factor means. I'm really hitting the high spots here. I guess I could go on for hours, but I'm getting through. On the other book, the latest Volume Two, on page 6 of that it talks about maximum building height shall be 36 feet, ornamental features shall not exceed 45 feet. Functional towers, such as clock towers and observation towers, shall not exceed 55 feet. I've discussed some of those things. I would like more of an explanation of that. Someone's ornamental feature is beautiful to them and ugly to someone else or it blocks their view or whatever. I would like some more clarification in that area. Then when it says building heights may be increased to 45 feet and accommodate three habitable floors, that's the same question I asked before, where do we start counting when we start talking about 45 feet? I understand that's in the incentive part, but on page 8, item 8, the number of parking spaces may be reduced by up to 20 percent of the number otherwise required, provided an analysis showing that the reduction is justified is approved by the Executive Director of the MPC. I'm always reluctant to reduce parking spaces. My experience downtown shows that can lead to disaster. I would like to know if the Executive Director of the MPC approves it or turns it down could the public appeal or could the entity appeal and who would the appeal be made to? I would like to see the County Commission be the ultimate arbiter of reduction of 20 percent of parking, or at least some formula in there so we know what that is, and I still -, I mean, I understand this is on the incentive and I'm already on record in saying that I think the carrot can be more effective than the -, sometimes than the stick, but I do have a concern there. The problem always when we grant a variance of that nature is the present use may be fine with 20 percent less parking, but if it turns in -, that business owner sells out and someone else takes it over and he -, he would need every parking space plus some. That's a concern I have. I'm always concerned about grandfathering these things in. What was -, what was your closing comment, that's enough to chew off -? Commissioner Rayno said, that's enough to chew on.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, yes, thank you. I want to thank Commissioner Jackel for summarizing the plan for us there. Chairman Hair said, yes, if we'd known he was going to do that, we wouldn't need to read it. Commissioner Kicklighter said, I have just basically two issues. I believe that -, first, I want to commend the MPC for a good job. We can sit and nitpick the entire thing apart, but you can do that with anything. Something needs to be passed soon and then appropriate changes made where necessary, but there's two major things I believe needs to be changed before this thing's passed, and one would be the grandfather clause. I spoke with -, we need a grandfather clause. I spoke with a gentleman and he showed me a picture where his home was built close to the marsh and if it burned down -, his road's also -, his house is also close to the road, so if it burned down or blew down in a hurricane he couldn't build it back, so there needs to be some type of grandfather clause just to protect the current homeowners and, you know, even the people that's pushing, you know, to get the plan done have done a great job to get this plan to this point, but I want to protect you too, and should your house burn down, we're going to find that there's going to be many things that could prevent you from building back in your old spot. So we have to get a grandfather clause in here first, it's my believe, and then I want to agree with the Chairman on the definition of a fast food restaurant. I believe the current definition would prohibit restaurants such as Carey Hilliard's and Barnes and Outback and, you know, so that somehow, we need to find a way to define a fast food restaurant where it only applies to fast food restaurants. And with those two points, I would really like to see that. I'd like to see the rest of the plan basically intact because, like I said, it's easy to go through the entire plan and tear it apart and then all of a sudden we're just basically back to what we had before, so that's my point on it.

Chairman Hair said, okay, thank you. At this time I'm going to call on Mr. Alex Salgueiro. I mentioned in my opening remarks one of my basic concerns was the fast food definition, and we have -, I see a number in the audience that are [inaudible]. Mr. Tracy out there. A number -. Mr. Salgueiro, are you not going to be the spokesman for the group, or who's going to be the spokesman? Mr. Salgueiro said, Harold [Yellin] is going -. Chairman Hair said, Harold [Yellin] is going to be the spokesman? Okay, I'll recognize Harold Yellin. And I see Mr. Hilliard back there as well. Chairman Hair recognized Mr. Yellin.

Mr. Harold Yellin said, thank you, Mr. Chairman. Just for the record, and I guess as part of a clarification, I'm not sure if fast food restaurant is a part of the plan right now -. County Attorney Hart said, that's an excellent point. Mr. Yellin said, and

I think it would behoove us to make that point very clear. As I read the agenda, there is the Islands plan and later on under other business you have fast food restaurant. Commissioner Murray said, exactly right. County Attorney Hart said, right. Commissioner Murray said, it is not included. Commissioner Jackel asked, it is not included in that? Commissioner Murray said, it is not in the Islands Land Use Plan. Mr. Yellin said, if that is the case, just as a matter of procedure, we're happy to talk about fast food now or, if y'all want to pursue the plan, if we could perhaps take that up as the next matter, that might be the better way –. Commissioner Murray said, I would rather take it up as the next matter because we're right in the middle of discussions right now on the Islands Land Use Plan. You're exactly right, the Island Land Use Plan does not address fast food restaurants. Mr. Yellin said, with that statement, that is true and I believe the County Attorney does concur, as does the Chairperson of the Planning Commission, who's here as well, could we perhaps because there are a number of people who have also come for this issue, could we handle that one next because it is dead last on the agenda? Chairman Hair said, I will do that. I will handle that one next, okay. Mr. Yellin said, thank you, sir. County Attorney Hart said, thank you, Harold [Yellin].

Chairman Hair asked, anybody else want to speak on the Land Use Plan? Commissioner Murray said, I thought we had some people in the audience that might want to speak. Chairman Hair said, if not, I'll entertain a motion. Commissioner Murray said, well, wait a minute. Chairman Hair said, well, come forward. Anybody want to speak on the Land Use Plan come forward please. Please come forward and state your name for the record.

Mr. Harry McCarthy said, my name is Harry McCarthy. I live on the Islands Expressway and I've been watching the traffic, and I don't mind telling you it is getting bad. First of all, you said, 70% for homes and 30%, or 35 or whatever –. Commissioner Jackel said, that's what the plan [inaudible]. Mr. McCarthy asked, who's keeping score up there? Commissioner Jackel said, that's the question I was asking. Mr. McCarthy said, I mean, when I built on the Island 30 years ago just about, I built there for one reason, for a home like mine. Now we're getting apartments all up and down the old Tybee Road, we're getting this big condominium thing going up, nine stories, right on the corner. Where they going to park the cars? I mean, y'all know that somewhere along the line we need to stop and say, look, let's go and hold off awhile before we give any more contracts to housings or anything over one dwelling. Commissioner Jackel said, well, sir, sir, I appreciate –. Mr. McCarthy said, I know that's what you're talking about. Commissioner Jackel said, that's exactly –, that's why Commissioner Murray led with the moratorium. Mr. McCarthy said, right. Commissioner Jackel said, and it was our concern several years ago that –, about this plan here because we wanted to stop what we saw as just going down the wrong road. That's exactly what we're trying to prevent. Mr. McCarthy said, if I leave my house in the morning before a certain time, I don't even try to, and come in in the evening, which, you know, I know that because I'm retired, but what I'm getting at, sir, is I'm afraid –, just like they did on Wilmington Island there, Palmer's I believe, they made an apartment house. It's beautiful, but there's small houses around there. I'll bet you those houses that are near there, of course, they have more water now they'll probably get their money, but I'll bet you some of them houses, it depreciated their property value because account of that big complex, and I think we need to go back and say, look, let's hold off and make single dwellings and let's cut –, so we can cut some of this traffic because if we keep going, you're going to double your traffic in another year. And if that bridge gets clogged up, you only got the one way out of here on Thunderbolt. Commissioner Jackel said, I totally agree. Mr. McCarthy said, I don't mean to sound like a broken record. I guess y'all have talked about it and all that, but you know what I'm trying to say and it just –. I built there for that purpose, to enjoy the water, to enjoy the comfort of the quietness and all, and I got –, of course, I've got windows now, you know, boarded up, you know, where the sound effect and all, but the thing is I bought up there for the, you know, like you said about the trees and things like that. Commissioner Jackel said, certainly.

Commissioner Murray said, Mr. McCarthy, let me ask you a couple of questions. The plan addresses those issues that you're talking about. Are you speaking in favor or against the Land Use Plan? Mr. McCarthy said, well, I'm in favor as long as they stay with the rules. They –, he says 30%, 30% for, you know, developing into a business and all like that. If they go over that, they're –, I think they're over it personally. Commissioner Murray said, well, the purpose in this plan is to do exactly what you're talking about. Mr. McCarthy said, right. Commissioner Murray said, as a matter of fact, I've got an article right here that was –, where there's a law suit in the Atlanta area and the citizens won because of the land use plan being in effect, and I think it's important that we have a land use plan and a good plan is adopted so if something does happen and it goes to court, then the courts will follow the decision that we made with the plan we've got. There's an article right here that says –. Mr. McCarthy said, well, I'm not opposing your thing. What I'm saying, like you said about passing and all that, but I just want y'all to be aware, I ride around, just like y'all do, and I see these different things going in and these apartment houses and the uprisings and all, and wondering where he's going to park the cars now, and that's right on the corner there at Williams Seafood and it's always a wreck there at least once a week. I mean, you know, and one other thing, I know this is not –, it's in this, but on the Islands Expressway coming from Tybee you've got a two-lane highway going into the Islands Expressway. Can you cut that down to one way where you could block it so that the traffic coming from the other direction would come in and it wouldn't cause wrecks? There's wrecks there about every –, maybe a week or two, and, you know, people won't give in other words, for the traffic. Where they built the overpass over Highway 80. Chairman Hair said, sir, I think we need to address that, but I think –. Mr. McCarthy said, I know that, but I just thought I'd bring it up while I was here, that's all. Chairman Hair said, we'll deal with that –. Mr. McCarthy said, and I appreciate y'all giving me the time. That's the main thing. Thank you. Commissioner Jackel said, thank you, sir.

Chairman Hair asked, anybody else? Please come forward and state your name for the record please.

Mr. Eric Carter said, my name is Eric Carter. I've lived on the Island pretty much all my life or held some interest in it. My family's been down there since probably the 30's. The backup services on Fifth Avenue is not something I want. I don't want anything to do with it. The services I get personally, is pretty much Mosquito Control. I moved down there the same reason he did, back down there. I wanted to see the trees. I can see the stars out there without all the lights. I like it. My

house is one that I believe under these setbacks would not be rebuildable were it to burn down. My house is about four years old. Commissioner Jackel asked, why do you say that? Mr. Carter said, because I'm 450 feet from the road, but I'm not that far from your marsh setbacks. I've also seen two subdivisions go in probably the last ten years —. Commissioner Jackel said, well, what would be the problem if your house burned down and you moved a little further from the marsh? Mr. McCarthy said, I don't have that room. I'm that far from the road, I'm not that far from my property line. You've got more subdivisions on that street and the houses are built within probably 20 feet of what was the existing marsh line and they have a seawall. It's not much of a seawall. I don't think it's a bad seawall. I don't think it would be bad for me to have one either. That's something else that is addressed in this is being limited or restricted or prohibited. The plan needs to address some of these things, I believe, on a much more individual basis. You expressed this. To begin with I heard some of that said, and I appreciate it, but, yes sir, we do pay high taxes down there. Our property values are high, but [inaudible]. It is an urban—, not a paradise, but it's —, I've got nothing against in town. I can understand the attraction there. It doesn't suit me, and I'm paying for the right to be there. You can see by the way I dress I work for a living. I don't [inaudible]. It's taking all I can to pay those taxes. Please don't pass any rules that pretty much strike me out. Chairman Hair said, thank you, sir.

Commissioner Murray said, we will be addressing those issues before the discussion's over today, but we'll just hear everybody speak first.

Chairman Hair said, thank you, sir.

Mr. Lamar Keller said, my name's Lamar Keller. I live on Wilmington Island also. I would like to commend the Commission for this plan. It's something that's long overdue, and it's certainly better late than never. Overall I think in the future, future generations will thank us for doing this. My only concern with the plan is to ensure that existing property is protected in the case of a natural disaster or the need to rebuild or something like that. My own circumstance, I have a lot that's roughly 50 feet wide, 400 feet long. It's on the river, and after talking to Commissioner Murray and Mr. Wilson, I believe that I could rebuild there if I needed to under this existing plan. And what I want to do is just express my concern that that provision still stays in there and people with narrow lots on Wilmington are not prohibited from rebuilding either through a disaster or if they want to. In my particular case, I just want to tear the house down and rebuild. It's over 50 years old. There are a lot of narrow houses down there. I believe the plan as it stands now would allow that, and I want to ensure that it stays that way.

Chairman Hair said, thank you, sir. Mr. Keller said, thank you. Chairman Hair said, we appreciate your comments.

Mr. Bob Heath said, good morning. I'm Bob Heath and I'm here to represent the Strategic Planning Committee for The Landings Association, and we have reviewed and agree with the Islands Land Use Plan and we urge you to pass it. We would also like to encourage you to fund the Southeastern Land Use Plan and we would be happy to support it with people who would work that are interested in the benefit of the entire community, and we would urge the Commission to put in the budget for next year the funds necessary to fund the Southeastern Land Use Plan. Chairman Hair said, thank you, Mr. Heath. Mr. Heath said, thank you. Chairman Hair said, we appreciate that. Thank you, sir.

Ms. Gloria Boyce said, good morning. My name is Gloria Boyce. I have property on Barley Island Road, which is on its way to Oatland Island. I was told that I could not build on there. All I wanted to do was put a dock on there because I love to go fishing. I cannot cut back on the build-up that's there. There's an open ditch right on my property where the road comes to the marsh or whatever you call it, and all I want to do is be able to put a dock out there where I can go fishing, and I'm already told no. Can you tell me why and why I cannot cut back on the build-up that's there? Chairman Hair said, well, without the specifics, ma'am, I'm not sure any of us up here can tell you today. We can look into it and find out and communicate back to you. I don't know and I don't think any of us know. Staff would probably not be able to know either, but —. Commissioner Murray asked, Russ [Abolt], could somebody start getting her name and look at it and find out exactly what the situation is? County Manager Abolt said, sure. Before you leave could you —. Chairman Hair said, we'll get your situation and find out what the situation is. County Manager Abolt said, we'll take care of her. Ms. Boyce said, I would appreciate it. Thank you very much. Chairman Hair said, thank you. Come on up please.

Ms. Virginia Brown said, my name is Virginia Brown. I live at 10 Scuppers Court on Wilmington Island. I want to —, I do favor the plan. I was a latecomer to input on the plan so I don't know that much about it. There's some, but I wanted to mention four things. Since the County Commission is responsible for the safety of all the citizens in the County, I do notice the traffic problems. Even when we had the electric blackout in December, cars were piled up going into Thunderbolt, bumper to bumper. That was not a life-threatening emergency, but that's where the bottleneck is going into Thunderbolt and into Savannah. In fact, at one of our meetings I suggested that the two cities set up toll booths and collect money for traveling on their streets and I was laughed out of the room, but anyway it's an idea. I do regret that high rises would block the view of the marsh and waterways, and I especially like the part of the plan that talks about housing as sort of an all-ages neighborhood because I know in our Wilmington Island Town Homes Homeowners Association area, we do have that. I could name probably a half a dozen of young people, young families and then the parent lives in the same neighborhood, and that would be an ideal thing have happen so that when we get kind of infirm that we have someone there to help us. And I have one question. I asked about this earlier and I don't know if it was ever addressed. We were talking about the ornamental height, I thought the wording seemed to refer only to the ornament and not to the total height of the building, and I wondered if anybody ever cleared that up. Thank you.

Vice Chairman Thomas asked, do we have anyone here that can answer that? Commissioner Murray said, I think MPC would like to give a presentation in regards to this, but –. Vice Chairman Thomas said, okay. All right. Commissioner Murray said, I'd like to hear the citizens first.

Ms. Toni Bishop said, good morning. My name is Toni Bishop. I'm a homeowner on the Island. The property that my house is built on has been in my family since the 1800's. My great-great-great aunt brought the wood to the Island by boat to build her home, and my relatives were oysterers [sic]. Some of those long oyster rakes on the back side of the Island were from my great-great-great uncles who used to shell oysters and sell them in town and they commuted by boat. The property that my home is built on was given to me by my grandmother. My home –, my property is 60 feet and 300 foot deep, and the position of my home would subject it to where I can put my well and where I can put my septic tank. If my home was to blow down, this new plan would not affect the rebuilding of my home, but some of my neighbors it would because your well and your septic tank have to be a certain number of feet apart. So there are people with property down there where if you had your home burned down or blow away or float away, you couldn't rebuild it because you couldn't move back from the marsh because then you'd be on top of your drain field to your septic tank and you couldn't do that, and you can't move your drain field because it's too close to this person's well. So all of those things go together, so I really feel deeply that the grandfather clause for existing buildings and structures should be input into this plan. Commissioner Jackel said, I have –, I certainly understand people who the only way they could do it would be to put the dwelling in the exact place as the previous one because of limitations of law, but there are others who would have ample room to meet the new requirement, and I think those should meet the new requirements. Ms. Bishop asked, so you will consider this on an individual basis? Commissioner Jackel said, oh, I think it should exactly be considered on an individual basis. Ms. Bishop said, okay, and when you mentioned about Hurricane David versus Hurricane Hugo and having a different policy for, you know, some type of hurricane, there is no difference between hurricanes. You have 500 houses gone or you have one house gone, it should be the same, and you can lose one house during a David and a thousand homes during a Hugo. That's –, the loss of that one home is just as important to that one person as it is to those thousand people. Commissioner Murray said, I think we all agree with you. Commissioner Jackel said, there's no disagreement there, but for one house we wouldn't set up a complete emergency apparatus to deal with permitting, but if we lost 500, we had –, hopefully, we'd have the Federal government here and the State government, be declared a disaster area, we'd have special laws, all those things, but I don't think would necessarily be mobilized for one of them. That was the point I was making. Ms. Bishop said, right.

Commissioner Rayno said, Mr. Chairman, I –. Chairman Hair said, I think it needs to be in writing Mr. Jackel. That's where you and I disagree. I think it needs to be in writing and this –, we don't need to leave it to interpretation. [Unintelligible comments were made when Chairman Hair and Commissioner Jackel were speaking at the same time.]

Commissioner Murray asked, can I make some comments since it is in my district? I don't want to get into a lot of detail right now, but we have, I think, other people that want to speak. We have Tom Wilson with MPC that I think has a presentation. It would probably clarify a lot of these questions that a lot of people just assume would be one way or the other. Ms. Bishop said, okay. Commissioner Murray said, no one wants to deny anybody from rebuilding their homes, but there's another way to go –, get to that point, and I think we can clarify all that with the rest of the discussion, but I wanted to hear all the citizens that wanted to speak on this first before we got into any presentations or anything else, that's why I have not said anything.

Chairman Hair said, well, wouldn't their answers [sic] be answered as well by the presentation. Commissioner Murray said, yes. Chairman Hair asked, why don't we just go to the presentation? Commissioner Murray said, well, we've got other people in the audience that are citizens out there that probably would like to speak one way or the other about it, and I want to hear what they have to say.

Ms. Bishop said, I would like to make one more comment. Commissioner Murray said, sure. Ms. Bishop said, this is very important to me as well. Being a homeowner on Wilmington Island, I evacuate for every hurricane no matter what size. Unlike my neighbors who take their televisions and their VCR's and –, I take work clothes, my tent, my Coleman lantern, my power tools, I come ready to camp on my property if my home is gone. I also have a generator so that I will have water. I do not care about electricity except to run my pump because I will have a toilet that will flush.

Chairman Hair said, all right, next. Come forward please.

Ms. Marianne Heimes said, my name is Marianne Heimes and I am intimately connected with this land use plan specs. I'd like to address just a couple of the things that have been said. I think everybody realizes the grandfathering needs to be addressed, as I believe it will be addressed, and I know that the MPC after their meeting where, you know, there was kind of a scare tactic that half the Island would never –, over half the Island could not rebuild in case of a hurricane, which is not true. They hundreds and hundreds of calls and they were able, you know, the people that called were satisfied as far as I have heard after they spoke with the MPC, and I would advise anybody who has a problem to call and talk with the MPC directly. As to concerns like the library and things like that, that is not part of our plan, that's part of the library's plan. We support it, but we are not in the, you know, the process of trying to raise money for the library or asking for anything. We are just saying, yes, if they want one, we would like to have one. As far as towers and disability, I don't think this is the proper purview for that. You cannot be too specific on some of these things. These –, all these things will go through the MPC and if there's a problem at that point, you know, in new construction, that will be handled. So I don't think that's relevant. I would ask that you do not table this thing today. Too much time and too much work has gone into it. We are going to have to do a countywide plan within the next two years. This is a good start. This is a professionally written plan. I was amazed when I read it to see how professional it was, and I thank the MPC staff for bringing the simple word to the

Island citizens and putting our thoughts into a real professional document. I would like to read just one quick sentence that was added on page 49 after some of the concerns were raised.

Policy 4.4. It shall be the policy of Chatham County to encourage flexibility and creativity in site design in order to preserve natural resources, create an attractive living environment, and respond to the limited development opportunities remaining in the extensively developed Islands Community.

Ms. Heimes said, I think that says a lot there. I would like to close by saying we had another fatality on Highway 80 this week, and if you think there's not traffic out there and that the Islands are not congested, I think you need to come out and take another look, and I know the County is addressing this, and I appreciate it, but there have been a lot of [inaudible] effects on this. People are truly concerned about the traffic.

Chairman Hair said, thank you, Ms. Heimes. Next.

Mr. Jay Sheehan said, good morning. My name is Jay Sheehan. I'm an attorney here today on behalf of several property owners on the Island. I'll try to be very brief. Essentially, my comments are directed to the issue of the overlay district and not conforming uses it creates. One of the purported policies of this land use plan is to eliminate nonconforming uses on the Island, but the overlay district itself is going to generate a tremendous number of nonconforming properties. It's 94 percent already developed. You've heard from a lot of property owners, both residential and commercial, who have told you that if this plan goes into effect, their property is going to become nonconforming, and then we hear that, well, don't worry about it, you can get a variance if you need to rebuild, but I don't think most property owners really want to rely on the, you know, the discretion and good graces of whoever they happen to be dealing with at the time. In addition, the variance requires a substantial filing fee. For residences it's hundreds of dollars, if it's a commercial piece of property, it's over a thousand just to request the variance. Moreover, the plan as written provides for its strict enforcement. One of its policy goals is that it's going to be strictly enforced and that you will do away with nonconforming uses, so down the road when someone comes in and says my building has been substantially destroyed or I need to make major changes to it, whether it's hurricane or fire or what have you, and they're filing their request for a variance, they're having to come before whatever body is handling it and pay a substantial fee with no firm standards or no assurances they have the right to do that, and at that point the body who's looking at it is looking at the policy provisions of the land use plan which is telling them really that they shouldn't do it, that one of the proposed goals is that as property ceases to be used for one purpose, whether it's destroyed or otherwise, that it will be brought into compliance with the new standards, and that's contrary to what people are being told about don't worry, if it's destroyed, you won't be a problem. All right, I think those issues need to be addressed in this plan. It's not something which needs to be addressed at some later date, and I think those need to be cleared up in writing before the plan is adopted. That's all I have.

Commissioner Murray said, could I ask you—, you said you're representing several residents or several property owners? Mr. Sheehan said, property owners. Commissioner Murray asked, could you tell us who they are? Mr. Sheehan said, A. B. Nett [phonetic] and Tommy Williams. Commissioner Murray said, okay. Thank you.

Chairman Hair said, thank you. Thank you, sir. We appreciate your comments. Next.

Mr. Charlie Tuten said, good morning. I'm Charlie Tuten out on Wilmington Island. Well, my main concern is the filling in of the marsh. You're doing away with wetlands that as we're doing now, tying these hammocks together and creating —, adding to the traveling of automobiles and so forth, but the main thing is we're filling in the marsh, tying these hammocks together, and that gives a density that we don't normally have, and also we need to think about these heavy loads of dirt that are caving in the road that we just resurfaced. DeRenne Avenue is a good example. It's like a brickyard. It's worse than anything that we've ever had before, and it's all because of these heavy loads that they're hauling to this construction, filling in the marsh, and doing away with things natural —, environment. That's all I've got.

Chairman Hair said, thank you, sir. We appreciate your comments, sir. Okay, anybody else? It might speed it up if you want to speak, if you'll go ahead and come up on the front row, I think we can speed this up a little bit.

Ms. Elizabeth Cain said, good morning. My name is Elizabeth Cain. I live on Wilmington Island. I'm probably —, well, I have one of the houses that would be in noncompliance like everybody is talking about, but I'm willing to adapt. I'm ready for this plan. I really think we should support it, and it's not a radical plan, it's sensible, it is timely, it's conservative. That includes the various definitions of that word and, most importantly, it's community based, and I congratulate the MPC, the MPC staff and all the citizens that have worked on this plan for the last five years. They're really to be commended. What it does is it offers all of us, the developers that are here, the citizens, and this [inaudible] and a model to base new decisions on and, like everybody is saying, it needs some fine tuning, but I think we're all creative and we can address them. I value our quality of life on the Island, I think everybody does, and I don't want to see any more high rises. I really like the overlay, environmental overlay plan because, you know, it's very important. These islands are small, they're contained, they have their own energy, and they need your protection, and I really encourage you to pass this. Thank you.

Chairman Hair said, thank you very much. Next.

Mr. Earl Marquis [phonetic] said, my name's Earl Marquis and I'm a Wilmington Island resident, and I'm also a meteorologist, and I have a couple of concerns. One is a general concern. We can't lose sight when we're looking for logical growth, and that means if you build something someplace, it affects other things, and getting to hurricane plans, if you increase the population, for example, you increase evacuation problems. And another thing that I've noticed, with these high rises going

in on Bull River, I as a meteorologist know the fact that if we do get a storm there and the high rises are in places, it's going to affect the surrounding area, and this is an unstable area. It's not rock, and it will wash out several buildings surrounding it, and this is one of the infrastructure problems, and so I have along with this a general question is, who's going to determine whether the infrastructure and the buildings match one another, putting it altogether in a package? You know, if you get a variance here, someone would have to evaluate this impact on the entire infrastructure, do you need to beef up other things, and I think that this is the major concern that I have and this should be well addressed in the plan. I support the plan, don't get me wrong, but I—, and this is —, this should be emphasized and it should be defined as to who can make these decisions as to infrastructure and building links. Thank you very much.

Chairman Hair asked, sir, didn't you say you're a meteorologist? Mr. Marquis said, yes sir. Chairman Hair asked, can you tell me when we're going to get some rain? [Unintelligible response due to laughter.] Chairman Hair said, that's what I thought you'd do. That's what the TV people do. Thank you, sir. I thought you could just tell us. I appreciate that. Commissioner Rivers said, there's some Indians up in the State of Washington that do a rain dance. Chairman Hair said, that's too far away from us. Thank you, sir. Anybody else. Okay, if not, I think it's time for us to hear the presentation from MPC. Chairman Hair recognized Ms. Stone.

Ms. Helen Stone said, I'm not here with the presentation. I'm Helen Stone. I think someone said it before, better late than never. This plan should have really been done years ago especially in light of the rapid growth of the Islands over the last 15 to 20 years. I would also like to address the importance of this land use plan. I know there's some problems that need to be addressed and they will be addressed. At a conference I attended in March I became aware that most communities base their zoning on a land use plan, and by passing this plan it will permit the necessary zoning to preserve the integrity of the neighborhoods and allow for planned growth. I would also like to thank the citizens who worked very hard on this. They put in a lot of hours. I would like to thank Commissioner Murray for his dedication on this, and I would also like to thank the MPC staff. They put in a lot of time and energy in addressing all the concerns of the Commissioners and the citizens of this community. I would like to obviously ask you to adopt this plan and to adopt it as an appendix to the Comprehensive Plan, and I thank you, and Mr. Tom Wilson —.

Chairman Hair said, Ms. Stone, I have a question for you. Ms. Stone said, yes. Chairman Hair said, I think most of us up here support the plan, but the question is not today because these things that you say are going to be done later. My point is why weren't they put in there and bring it to us as a total package and let's do it at one time and not have to rely on what might happen in the future. Ms. Stone said, because I think this had to be a work in progress. We didn't —, we may not have been aware of some of these concerns until we started going through the plan. Chairman Hair said, but that's my point. We are aware of them now. Why not delay this until those things are addressed and then let's make the Comprehensive Plan —. Ms. Stone said, I think when you hear Mr. Wilson's presentation, they might answer some of your questions. Chairman Hair said, okay. Ms. Stone said, but I would urge you to go ahead and pass this. Chairman Hair said, thank you. Ms. Stone said, I think enough time has gone by.

Mr. Tom Wilson said, I've got a brief presentation. It will probably run about five minutes, but, you know, I heard a lot of your concerns and those members of the audience who got up and spoke, so perhaps I'll just address two or three of the more pressing issues, and one of those was why pass an incomplete plan, and I can tell you from my experience there's never a perfect plan, that if you wait for a perfect product, you'll never have it. There really has to be a mechanism to evaluate a plan and update it, refine it over a period of time. I've seen a lot of plans delayed for years in an attempt to satisfy everyone's concern and eventually they're passed still not satisfying every single concern. The private sector has an interesting way of dealing with that, which is by having test marketing periods where they have a gradual release of a new product, test that product, actually sometimes invite people to participate in that. I know if you're —, if you have a, say, a computer service, America On Line or something like that, they're always asking you to try their new product and give them feedback on it, and I think in some respects it's possible to do that with our products, our plans. As long as we have a —, a structured period in which it's evaluated and in which it's possible to make amendments. On the issue of rebuilding, which is on everyone's mind, staff at MPC has gone through the ordinance very carefully to address that. Looking at Section 5 and Section 8 governing nonconforming uses and substandard lots, those sections are there already in the ordinance to provide the kinds of protections that everyone is seeking. When a —, when a zoning ordinance is adopted in the first place, it creates many, many nonconforming uses and substandard lots and odd conditions. There's diversity of lots and housing types and building types and sitting every which way on all kinds of lots, so when an ordinance, zoning ordinance is adopted in the first place it creates those, but it also creates the provisions to deal with those, and we think the ordinance already contains the provisions to allow people to build back after a fire or a natural disaster. We certainly intend to go through that very thoroughly. We've had preliminary meetings with the County Attorney to discuss that. We're some —, still somewhat comfortable that the ordinance addresses it, but we would be remiss not to continue meeting since this is an area of concern and to address that in greater detail and provide some additional language if necessary. It's possible that you may want to pass a policy statement affirming that so that it gives guidance to staff in interpreting the ordinance. That would be one way to deal with it until we work with the County Attorney to determine if the language is adequate or if there's any change that's required. I might also just say, because this was mentioned several times, that a plan is different from the ordinance amendments, the zoning ordinance amendments we're looking at. A plan is really a document that contains a community's aspirations. It is not as firm in the law as the ordinance amendments we're proposing are. It's guidance and it's guidance for a 20-year period in this case, and we feel that while some of the goals and objectives that we heard in the community may be unrealistic now, they may be too expensive or for other reasons they may be unrealistic, they're still goals and objectives that were expressed by the community and maybe we can't accommodate those now, but it's a 20-year plan. Maybe years from now in the future we will be able to accommodate those, and if we keep those in mind, we look at those aspirations over a long period of time, it provides sort of a guiding

light for future of the community. I know we've all had --, planned vacations that we've had to cancel or alter in some way, and it's sort of like that. It's a goal, but not one that can always be realized.

Mr. Wilson said, now to this presentation. I don't know if the --, if you can see that or --, there, I guess that's --. The --, just briefly, the growth challenge in the Islands community is evident if you look at the recent 2000 population statistics from the 2000 census. The growth out there was over six times the rate experienced in the rest of the County, but a high growth rate could be sustained by a trend to a higher density development, but that would have enormous impacts in the Islands area. The Islands is less suitable for high density development than other areas for a number of reasons, ecological reasons sitting in an estuarine area. It's a difficult area to evacuate. There's a great map that CEMA has available to the public down on the first floor in the racks that shows even in a Category 1 hurricane where flooding is possible, and it shows the Islands area and some of Southeast Chatham that's just completely inundated, whereas other areas are not as affected. As we've discussed, we've structured that process for adopting and refining the plan, and we're referring to these current recommendations as level one recommendations. These are recommendations that staff feels comfortable with presenting to you at this time. We'll have a level two set of recommendations coming forward in about six months. For instance, with the town center recommendations, the incentives and a lot of the issues concerning town centers, we have not had an opportunity to meet with the business owners and residents in a roll-up-your-sleeves kind of design workshop. We intend to do that, to have a series of workshops which will refine those town center objectives. Level three is just another six months period of that type of refinement. You've heard a lot from the audience about community character issues. I don't need to dwell on that. Environmental quality and transportation, traffic, transportation enhancements with better bicycle and pedestrian facilities. Those three points, the community character, environmental quality and transportation are really the foundations of the plan, and they're based on the meetings we've had with the community over a period of years. Planning strategies to implement those foundations of the plan, growth management through land use policies and zoning, the plan contains policy statements so if adopted it would create a policy structure for guidance. Continued emphasis on commercial growth in the central business districts, attempting to contain growth in those areas, make those vibrant, attractive areas for the community, but directing the growth into those areas rather than having it sprawl out. The --, I might just point out, many of you have been to Myrtle Beach or to the Kissimmee Highway 292 around Disney World, you can see what can happen to an area that is a route to a resort area, as the Islands are a route to Tybee, if there aren't those kinds of controls. A buffer and stormwater runoff is something that has created the additional 10 feet for stormwater buffers, and I'll talk about that just a little bit in a second. A big growth management framework in the plan is to maintain the existing land use ratios. Yes, increase a multi-family; yes, increase the various types of housing out there, but basically maintain the present ratios. Also the densities, and we can provide a statement would be we've taken notes, of course, on all your concerns. I know there was a question about a density. Rather than go into a detailed response now, what we'll do is put a response into writing and provide that to you before the next meeting. The zoning --, rezoning areas from R-1 to R-1-A, we've had probably 500 calls this week about that from members of the public and 99 percent of them, I think that's fairly accurate. That's not actually --, once they understood what was going on, were very much in support of that. It really just creates a residential lot framework that is what's already out there. We've only proposed to rezone the areas that have quarter acre, half acre lots typically, which is the R-1-A. The R-1-A minimum lot size is about a quarter of an acre, 12,000 square feet, so that just sort of affirms the pattern that's already there. And of course height limits, and I'll say a little bit more about that. I'll skip over the Hilton Head comparison. We'll elaborate on that in writing and give you some more information on that particular issue. Looking at increasing the height limit to 45 feet in the town centers and potentially some other commercial areas maybe to 40 feet, open space increases to 30 percent. That's a greenspace requirement. Bicycle and pedestrian linkages and marsh setback, the setback is 50 feet, buffer 35 feet, and this really is meant to apply to new development and not meant to affect areas that are already built on. Again, this is a 20-year plan. A lot can change over 20 years. You see a lot of smaller houses out there on the marsh where people are selling it and they're building a bigger house. There's an opportunity if the lot permits doing so to move that back. A lot of smaller houses that are selling out and that land is being subdivided, and why not, you know, over time allow that to come back and meet the recommendations coming from the scientists. I'll run through these quickly. I think most of these have been discussed already. Some signage recommendations in here for eliminating pole signs out in that area, unified development option that makes it easier to develop under certain conditions where traffic is mitigated, the town centers. Current height limits, there is some confusion. There's a --, is a --, has been an impression that there are no height limits at all now and we're imposing 36 foot height limits throughout the Islands. Actually, in the single-family areas 36 foot height limits have been on the books for some time. Over-proposing is to extend the height limit into other areas that have no height limit whatsoever. On the buffer issue, a little bit of an elaboration here. Some people assume the setback and the buffer are added together. The buffer is within the setback. Why are we recommending 35 feet because scientists will tell you, and this is throughout the literature on this, we can refer you to various web sites on this, the University of Georgia, Center for Watershed Protection, South Carolina's done a lot of pioneering work in this area, the Charleston Harbor Study, an abundance of information showing that buffers, as it says there, buffers less than 33 feet are functionally ineffective. So just to summarize, the zoning map amendments, we just talked about the text amendments really, the zoning map amendments, rezone some areas that are R-1 to R-1-A. That covers --, geographically covers about half of the residential area of the Island. Complete the marsh conservation zoning district. That was a mapping exercise just sort of bringing the County's zoning designation into conformance with the State and Federal limits already required in the marsh areas. Establishing consistent and appropriate zoning for community business districts, and we made one mistake there. Let's see, it's number --, we found that --, number 7, that number 7 on your list of proposed zoning changes is --, we need to strike that. There was a court order that addressed zoning change some time back so we don't want to mess with that one. The --, but otherwise most of the smaller zoning changes are just affirming what's already there in place on the ground. Single family area, and it was zoned as something else. We're zoning it to reflect that and proposing to zone the Demere tract for conservation, and so forth. And we have the maps here with us. This is the --, you've got this in your package, a map showing the R-1-A and C-M areas. You can see the fairly extensive areas, and we --, you know, we're probably not creating more than a handful, probably two or three nonconforming uses in this entire process. We're --, we may create some

substandard lots in doing this, but I can quote from the ordinance. It says, any lot of record which has an area or width which is less than that required may be used as a building site for a one-family dwelling. The ordinance is very clear on that matter, so we're --, where we are creating a substandard lot, and there are a few, it doesn't restrict them in any way. But it --, again, when an ordinance is adopted in the first place, it creates that. So the ordinance anticipates that situation. That concludes the presentation. May I have the lights, and I'll be happy to answer any questions. As I said, we'll give you detailed answers in writing.

Chairman Hair said, thank you. We appreciate that very much. Commissioner Jackel said, we --. I appreciate every effort put into this. Well done. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I would really like to thank Milton Newton, Clyde Wester and Tom Wilson. They met with me after some of these concerns with people calling that have been addressed today, last Friday for about an hour and a half or two hours to go over and address some of the concerns we were hearing, which I think were addressed pretty well just a minute ago. They have spent an awful lot of time working on this plan. I have been very critical over the last several months about the plan not being done and stuff, but I can tell you after meeting with them and seeing what they've come out with, they've done a fair job on it. I think it is a good plan. I have a couple of questions that I will address to the County Attorney and the County Manager though. After talking with the County Attorney just for a minute this morning, and talking with the County Manager yesterday about the grandfather part of it, as Mr. Wilson just explained, there's no one right now at the present time that would not be allowed to rebuild their home if there was a natural disaster or fire or something that took it out. I know the attorney's here for Mr. Williams, as he stated, and that's for Williams Seafood Restaurant and some of the properties he owns, and I can also assure you that if something happened to his restaurant, he would be allowed to rebuild that restaurant. I don't think there's any problem with that whatsoever, and I think it's covered in the plan. My question is if it would make people feel more comfortable, from what I understand from talking with both of y'all, it's best not to put a grandfather clause in the Islands Land Use Plan, but address a grandfather clause countywide. County Attorney Hart said, we would prefer that to be consistent. Commissioner Murray said, for all areas, not just one particular area. County Manager Abolt said, yes sir. Commissioner Murray said, and I think that's where the majority of the people have had their concerns is whether they could rebuild or not. There was a little discussion earlier about fast food. Fast food is not addressed in this Islands Land Use Plan. There was some concerns from some of the Commissioners about the expense of what it's going to cost us to adopt this plan. I don't see it costing the County anything to adopt this plan because, first of all, it's goals and things that we would like to see done over a long time frame from the library prospective to other things that are developed. This again, as he explained, is a three phase process. This is just the first phase. It does address the things that have needed to be addressed for a long, long time, and I would recommend that we adopt this plan, although we don't take a vote today. This is just the first reading, but is there any other concerns that need to come up that have not been addressed with the plan, about this plan today before it goes into the next --?

Chairman Hair said, I have a question, Commissioner Murray, and maybe you can answer it. Certainly the grandfather issue is a major issue and I agree it should be countywide, but it bothers me to pass this without that being attached to it and say, well, we're going to deal with that later. That concerns me greatly. The other issue is I would have no problem with this --, voting for this today if we only applied it to this point forward, but going back and covering existing properties and making existing properties nonconforming bothers me greatly because what it does is we can have a planner say it's very few lots or whatever, but if you own a piece of property and by action this County Commission is going to take today all of a sudden your property is going to be worth less money, I don't think that's what we should do. Now I have a great concern about that. If we were going to apply this plan from this point forward to only all new permits, I'd have no problem with this plan, but to go back and say we're going to apply it to everybody who currently owns property and all of a sudden now your property is nonconforming as a result of the vote of nine people, that concerns me greatly. I think we're devaluing people's property and I don't think we have a right to do that, and that concerns me and that's why I just think, you know, to delay this a few weeks until --, we're not taking about delaying for two years, just to delay it a couple of weeks until we can put the grandfather provision in, until we can address this issue of making people's property nonconforming. You know, two weeks or three weeks is not going to make a tremendous difference. Commissioner Murray said, but that's where you're wrong. Chairman Hair said, well, that's my opinion. Commissioner Murray said, It will make a tremendous difference in the Islands area that this plan addresses, and some of those that are addressed the strongest in this are the high rise apartment complexes or town homes. There are at least two and possibly three more that as soon as this moratorium comes off if this plan is not adopted, would be in the MPC's office to start the process to build those. Now that is one reason I have pushed for this plan more than any of the other reasons and, as he said, there's only about four or maybe five at the most that are nonconforming, how many times have you voted on a changing of variances to a land use plan --, not a land use plan, but a zoning ordinance that we have and how many times have you voted to do anything with an ordinance that we have with a land use or zoning ordinances? Every time you do that you affect properties, and some are going to be nonconforming because of that vote that you yourself have taken. Chairman Hair said, you look --, I have never voted for an ordinance that would devalue someone's property. Commissioner Murray said, I don't know whether you have or not, but you don't know what the effect of that ordinance has had countywide through the unincorporated area anytime we have done a variance to an ordinance, a zoning ordinance, and that's my point with this. We had one lady that stood up and spoke that owns a piece of property that would be affected as nonconforming use she said, but she's in favor of the plan that she thinks we need to move forward. I know we can't vote today, but if there's something that needs to go back to MPC to be addressed between now and the next meeting on June 8th when we will take a vote, then I think now's the time to let them address those issues.

Chairman Hair said, sir, come forward please. Commissioner Murray said, I'm sorry, I didn't --. Chairman Hair said, come forward.

An unidentified gentleman said, you said something just a minute ago. If y'all don't vote on it and you've got somebody that wants to put up a big high rise, can he still do it? Commissioner Murray said, yes sir. After the 21st of June when the moratorium goes off, that can be done. The unidentified gentleman said, that's what I'm talking about. Commissioner Murray said, you don't have to convince me. The unidentified gentleman said, if y'all don't stop this stuff –.

Chairman Hair said, okay, thank you, sir. Chairman Hair recognized County Attorney Hart.

County Attorney Hart said, Mr. Chairman, as a suggestion, and obviously it's up to you folks, you could direct staff within the next two weeks to go about drafting an amendment to Section 8, which deals with nonconforming uses within the zoning code, to allow for the rebuilding and repair of legal nonconforming uses on property in the event of a hurricane or other natural disaster that would be countywide that may eliminate some of the concerns that the citizens have. Commissioner Murray said, and that could be approved on June 8th. County Attorney Hart said, and then we just, you know, tack that onto the –. Chairman Hair asked, but you would still need a two-week reading of that amendment would you not? You could not pass the amendment at the second reading? County Attorney Hart said, well, you're really amending some of the language in the nonconforming use and we would have to look at whether you could do that totally or not, but it would be very close. Chairman Hair asked, and would you also be able to address the making of current property nonconforming? County Attorney Hart said, well, we would only be addressing legal nonconforming uses.

Commissioner Rivers said, okay, Mr. Chairman? Chairman Hair recognized Commissioner Rivers. Commissioner Rivers asked, why can't we go ahead and address all of the issues that they have concerns with, get them back and even if we can't do it prior to the moratorium going off, just hold the moratorium in abeyance until we –? Commissioner Murray said, we can't do that. Chairman Hair said, we can't go beyond the 90 –, we've already had a ruling we can't. Commissioner Murray said, I won't support going more than 90 days because that's one of the agreements that I made when I made the motion to do the moratorium, and I just –, I will not go back on that. That's one reason I've pushed to try to get this land use plan done. They've done a tremendous job with it and I think it's a good plan.

Chairman Hair said, I think we've had ample discussion and I –. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, I think we need to straighten out this thing about a grandfather clause because I think there are two distinct situations. One is when there's destruction through fire or hurricane or whatever thing, and there is ample room to meet the new requirements. We just were told that if you don't have a 35 foot buffer from the marsh, you're injuring the marsh. Now if someone has a huge lot, they're 20 feet from the marsh, the house is destroyed, they should meet the new requirements. They can still build back. Now if someone has a small lot, there may be no way for them to do it except on the exact place they are. I think that needs to be differentiated because we don't want to keep repeating the mistakes the Commission has –.

Chairman Hair said, Commissioner Jackel, that's my whole point. I agree with that, but it needs –, but that needs to be in writing before we vote on this thing. That's my whole point. We don't need to be voting on it and say, well, we'll fix that next week or we'll fix that a month from now, we'll fix that two months from now. My problem is let's fix it right to start with and let's fix it all. But this fear –, I have this great fear that we say, well, don't worry about these things, we'll take care of you, we'll take care of you next week. Commissioner Murray said, the County Attorney just said we could take care of it.

Commissioner Kicklighter said, even on that note of –, you're still costing the homeowner more money because –. Chairman Hair said, correct. Commissioner Kicklighter said, there's a good chance the driveway won't be blown away in a hurricane and moving the house [inaudible] wouldn't make enough to move the driveway. There's glass that they paid for, it's a very good chance it won't be blown away –. Commissioner Jackel asked, but what about the marsh? Commissioner Kicklighter said, and, you know –. Commissioner Jackel asked, what about the marsh? Commissioner Kicklighter said, so if they can do it back in the existing place –. Chairman Hair said, they should be allowed to do that. Commissioner Kicklighter said, a true grandfather clause is what they should be allowed. Chairman Hair said, I agree. Commissioner Kicklighter said, to protect the people being [inaudible]. Chairman Hair said, I totally agree.

Commissioner Murray asked, didn't the County Attorney just tell us how he can word that to bring it back to us so it would be effective on our second reading when we take the vote? Didn't you say that? County Attorney Hart said, I can take –. Commissioner Murray said, I thought it was pretty clear? County Attorney Hart said, I can amend the nonconforming use statute, I think, to take care of the issue in regard to the build-back, and I think we can amend the setback provision with the requirement of building within the same footprint from the previous building.

Chairman Hair asked, what about the nonconforming issue? County Attorney Hart said, well, there was only –, to the best of my knowledge, this statute –, this ordinance as written is only going to great three or four nonconforming uses. One of the biggest ones was, I think, Williams Seafood, which is eliminated under this ordinance.

Commissioner Kicklighter said, I've got one other question if I could. Chairman Hair said, certainly. Commissioner Kicklighter asked, does this at all address –, we used two examples out on the Westside. Recently, two fast food restaurants tore down their buildings and rebuilt brand new buildings with indoor playgrounds, much nicer than was existing there. What would happen in that case if the building –, if this all passes, if they were to approve their –. County Attorney Hart said, the ordinance as written is not designed to eliminate uses under existing ordinances, and there is an overlay district on top of that that they may have to meet some additional requirements above that, but it does not strike down a use permitted in the original zoning district. Chairman Hair said, but I think Commissioner Kicklighter's question though is a good question. It says if you build on the current footprint, you're fine, but if you wanted to go 6 inches further, then you

wouldn't be. County Attorney Hart said, well that's --, you know, you'll have to look at each fact situation specifically, but the concept here was not to destroy the use of the original zoning scheme, but to have an overlay district that sort of helped a greater better environment. For example, this plan allows --, it creates some larger lots and creates some smaller lots so that you have affordable housing and at the same time you protect the integrity of those people that have very nice lots so that you don't have somebody build a cracker box next to them. Commissioner Kicklighter said, all right, because in that case some how or another could --, the plan could backfire and we could wind up with buildings dilapidated, old buildings that people wanted to keep their existing business there, which is a tremendous eyesore and a --, you know, not a nice asset for anybody out there because they couldn't rebuild something nicer, you know, so --. Commissioner Murray said, there is not a business that I know of right now --, let me rephrase that, their legal business right now in the Islands area that could not tear the building down and rebuild it today even if this plan is passed.

Chairman Hair said, Commissioner Murray, I'll call on you for a motion. Commissioner Murray said, we don't need a motion, this is first reading. Chairman Hair said, first reading. Okay.

Commissioner Murray said, I would ask that the County Attorney go back and reword these items that we talked about so when it comes back to us on second reading that will have been taken care of.

Chairman Hair said, we will vote on this at the next meeting. At the second reading we will vote to either approve it or deny it at that time. I'm sure all of you will be back and we'll have the same discussion again.

Commissioner Jackel said, I want to know --, I expressed some concerns, as other Commissioners had. I had a laundry list, Commissioner Rayno had one. When might we expect answers on those? Chairman Hair said, well, I would certainly hope you could get them before the next meeting. County Manager Abolt said, we'll --, I'll ask staff to ensure in their supplement report all the questions you posed are responded to. Commissioner Jackel said, fine.

Chairman Hair said, okay. Thank you very much. We appreciate everybody coming.

ACTION OF THE BOARD:

This item was read into the record as first reading.

Commissioner Rivers moved to waive the policy of the Commission and allow discussion by members of the audience on this first reading. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

The County Attorney was instructed to reword the plan regarding nonconforming use and grandfather clause to be brought back to the Commission on second reading.

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XII. SECOND READINGS

None.

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XIII. INFORMATION CALENDAR

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

ACTION OF THE BOARD:

Written report received as information.

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

ACTION OF THE BOARD:

Written report received as information.

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3. ROADS AND DRAINAGE REPORTS.**ACTION OF THE BOARD:**

Written report received as information.

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4. STATUS REPORT ON MPC DEFINITION AND PERFORMANCE STANDARDS, FAST FOOD RESTAURANTS.

[NOTE: This item was taken out of order on the agenda and was heard immediately following the discussion on Item XI-2.]

Chairman Hair said, I'm now going to call on Mr. Yellin to discuss the definition of fast food restaurants, which is on our Information section. Mr. Yellin, step forward please. I'll allow a couple of minutes so everybody can come out of here. [NOTE: Momentary pause while some members of the audience left the room.] Chairman Hair said, I'm going to call on Mr. Yellin now. I know you've got a number of owners that you're representing here and I think it would be appropriate for you to identify those folks.

Mr. Harold Yellin said, they are even folks here who I do not represent. I'm going to let them come forward and say their name, if you don't mind. Commissioner Murray said, but you'll send them a bill [inaudible], right. Mr. Yellin said, only if I can.

Chairman Hair said, I'd like very much to see the number of people, the number of owners and the number of people we're talking about here represented by this. Mr. Tracy said, I'm Hugh Tracy with McDonald's. Chairman Hair said, thank you, sir. Mr. Murphy said, I'm Ricky Murphy with McDonald's on the Westside. Chairman Hair said, thank you. Ms. Gompels said, Nina Gompels with McDonald's. Mr. Hodges said, Emmett Hodges with KFC. Chairman Hair said, than, you, sir. Mr. Hilliard said, Tim Hilliard, Carey Hilliard's. Mr. Salgueiro said, Alex Salgueiro with Burger King. Mr. Bruner said, Clyde Bruner, Krispy Chic Restaurants. Chairman Hair said, thank you. Thank you very much. We appreciate y'all being here.

Mr. Yellin said, thank you, Mr. Chairman. For the record, my name's Harold Yellin. I do represent some of the fast food operators who have just recently introduced themselves. I also represent restaurants like Carey Hilliard's, who is concerned that because of the definition before you he may find himself in a fast food restaurant rather than a restaurant. There's a recommendation before you today to continue the definition study of fast food restaurants. We support that recommendation. Very briefly we'd like to tell you why. This whole need for a definition, we believe, came about as a result of a rezoning on Wilmington Island. The developer is currently building a Wendy's. The Island Citizens for Logical Growth believe that there should not have been a fast food restaurant there, and as a result of the dispute I believe Commissioner Murray posed the question: What is a fast food restaurant? At the MPC meeting in April a definition was proposed but it was tabled, and it was tabled because everybody up on the MPC said, you know, we need some input, why don't we get the developer and the Island citizens and the industry, everybody get together, see if you can come up with a definition. Unfortunately, or fortunately, only the developer and the Island citizens got together. There was no industry input of any kind on the definition. This matter came back to the MPC on May 15th, just a few weeks ago. It was everyone's understanding that the matter was going to be tabled because there was no industry input. However, Commissioner Murray urged the MPC to have a definition ready for today, and I sincerely believe that out of respect for Commissioner Murray, a definition was passed even though there was no industry input, and I know that to be true because even the next day after the MPC voted on a definition, industry folks got together for the first time to talk about what is a fast food restaurant. There were very deep concerns raised. First and foremost, lack of notice. I think all of you would agree that in your business if there was something out there that would impact the very livelihood that you enjoy, you would expect to get a phone call and say —

Commissioner Jackel said, Harold [Yellin], why don't you tell us what your complaints are, not —, you know, what is wrong with this? Commissioner Murray said, can I make some comments first that might help us go through a little bit quicker. Mr. Yellin said, this ordinance will very well dictate where fast food restaurants will go in the future. These folks are entitled to know the answer to that question.

Commissioner Murray said, well, since my name has been used so much, and I agree with you, I did those things that you said that I did and that's probably why that was pushed here, let me give you the intent and the reason behind all that. There's no intent whatsoever from myself, and I don't think any of the rest of the eight Commissioners sitting up here, to take a Carey Hilliard's or an Outback or any of those type restaurants and classify them as a fast food restaurant. You were

exactly on target when you said that this —, first of all, this would have never come up had the development you were speaking of on Wilmington Island been like it was supposed to have been and like it was promised it would have been. That's when we found out that the County has no definition for a fast food restaurant. That is why we've asked the questions; however, the restaurant in question even advertises on the Internet as a fast food restaurant, yet we're saying it's not a fast food restaurant. Now are we telling the owners of this large chain nationwide that they're not fast food and they're saying they are? Chatham County is trying to tell them that. Mr. Yellin said, Commissioner Murray, I don't think that is —. Commissioner Murray said, let me finish. So that's where all this came from. It's not to say that these people up here are not going to be protected because I would never vote for a Barnes or a Carey Hilliard's or any of those type restaurants to go under a fast food classification unless they requested to go under one for some reason and they met the requirements under the law, and I will not vote for the ordinance —, well, we're not going to vote on it today anyway, but I will not be voting for an ordinance on fast foods or a definition on fast foods until it's been addressed with all the industry and not just a particular group. Mr. Yellin said, which I said —.

Chairman Hair said, that's the issue, Commissioner Murray. I think that's the whole issue and I think that's why these folks are here today is because we did have a definition that was developed without industry input, and I think all of us were saying let's send it back, let's get this definition right. Commissioner Murray said, that's fine. We do not have it on here today or even for a first reading today. Mr. Yellin said, but I wanted to be clear —. Commissioner Murray said, it's on the agenda because I asked the County Manager to put it on there so we could bring it up and discuss it. Mr. Yellin said, if I can just finish my comments. I certainly —. Chairman Hair said, certainly, Mr. Yellin.

Mr. Yellin said, I want to be clear, Commissioner Murray. I think it's here truly out of respect to you. I think that there was a sense that there was an absolute need to get something here, and when it left the MPC nobody was clear if it was going to be here as information only or as a text amendment. It was only when I picked up the agenda today that I saw that it was, in fact, information only, and we didn't know that. It left the MPC just like a text amendment that would apply not just to Wilmington Island, and we weren't sure. Was this going to be only part of the Islands Land Use Plan or was it going to be part of the entire County ordinance? All of these issues were simply not addressed. So when we came here there was a tremendous concern. You know, how will this, if this is a text amendment, impact future development, future locations, will it make existing locations nonconforming and will it apply to all Chatham County and not just Wilmington Island?

Commissioner Jackel said, I don't understand that. Mr. Yellin said, well —. Commissioner Jackel said, I don't understand that because —. Mr. Yellin said, let me go one step further. Commissioner Jackel said, I read these things and I read them at length. This fast food thing wasn't in here, so if you had read these plans you would know that it wasn't in here. Chairman Hair said, Commissioner Jackel, I think it was. Commissioner Jackel said, if you —. Where's it in here? Chairman Hair said, I said, he's [inaudible]. He's not saying —. Commissioner Jackel said, you're implying you didn't know, but if you had looked at this, if you had looked at the agenda book you would have seen it was information only. Mr. Yellin said, Commissioner Jackel, if you had been at the MPC —. Commissioner Murray said, it was different on there. They did —. Mr. Yellin said, at the MPC it was absolutely unclear in what form it was coming to you today. I'm trying to be as clear as I can, and I'll say it a third time, it left the MPC exactly as a text amendment would leave the MPC. Chairman Hair said, absolutely. Mr. Yellin said, so we have to come here, all of us, and take the time out to come talk to you because we don't know in what form. This matter today, at anyone of your request, could be taken from information only and put on the agenda as a text amendment, and then would be saying, well, why weren't we here. We need to be here to let you know we were not part of the process and we want to be a part of the process. Also —, and we should be. I think Commissioner Murray agrees. The definition right now, as I look at it, a McDonald's on the street is a fast food restaurant, but a McDonald's in a mall is not a fast food restaurant. Krispy Kreme, what is it? Is it fast food or is it not fast food? I don't know. Carey Hilliard's, according to this it's a fast food restaurant. I don't think it should be. So we need to do something about it. The whole issue here is, and this is also my final point, this is a unique ordinance before you or a unique definition. I can't recall any other definition in your Code book that says that if four of the nine are present you are one. Usually an ordinance reads, A-B-C, you're it, E-F-G, you're it. This one says here are the eight or nine criteria and if four of the nine apply, you are one. And when I look at it, a school cafeteria because it has a playground and you've got to take your food up and you've got to pay for it first, is a school cafeteria a fast food restaurant? I don't think so. Well, maybe it is. I don't know. [Unintelligible comments when several Commissioners began talking all at the same time.] Mr. Yellin said, I'll yield to the folks behind me.

Chairman Hair said, Mr. Yellin, you just made a very good point that I think we need to stress here. You know, it bothers me that we're even having a definition of a fast food restaurant. I don't think we need a definition of fast food restaurant because we don't have a definition of insurance agency, we don't have a definition of a law practice, we don't have a definition of —, why are we singling out one very important segment of our economy and saying, well, we want to define what these people are, but we don't want to define what anybody else is, and that —. I think that's an excellent point, and I just think that —, to me the whole thing. I don't even think we need a definition, but certainly if we get one, if a majority of this Commission wants one, this is not it. And so I just think that —, the whole thing bothers me that we even single out fast food. These people represent thousands of jobs, millions of dollars in property taxes, and it bothers me that we're singling them out. Commissioner Murray and then Commissioner Kicklighter.

Commissioner Murray said, I disagree with you, as I do in a lot of cases it seems like lately, but that's okay. This thing has accomplished pretty much what I wanted it to accomplish because it's got other people involved in it, and we will come up with something. The reason this came up to begin with is because there was a question on what was allowed and what was not allowed in a particular zoning. It states that there will not be fast food restaurants within that zoning. So, yes, we do need a definition of some type if it calls for it in the zoning ordinance to define what is and what is not. Now if it's a

definition of the standards, that has to be determined, but I think these people certainly need to be a part of that discussion. Mr. Yellin said, absolutely.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I kind of wanted --, I want to agree with you, Mr. Chairman. I --, I don't know what would qualify --, in essence, we're saying fast food, this, that and the other, and we're avoiding the --, maybe the --, I don't know the right word there, but basically we're saying fast food is the lesser of a restaurant than another restaurant, and who am I or anybody else to say what's good. I feel like I'm meeting celebrities because I eat in their restaurants every, every day. You know, I'm glad they're there. Chairman Hair said, I eat in all their restaurants too. Commissioner Kicklighter said, yes. My wife teaches school and goes to college at night so I'm glad to have them around. I'm glad to have these guys, and, you know, I appreciate it. They work hard, pay their taxes, and I believe you zone for restaurants period, you zone for restaurants where you can or cannot have alcohol. I could even possibly see some type of zoning on an area where maybe you could not just have a complete drive-up restaurant only with no dining at all. Commissioner Murray said, but you're still doing the same thing. You are classifying what kind of restaurant can go in that zoning. Commissioner Kicklighter said, well, then maybe we shouldn't classify them at all.

Chairman Hair said, that's my point. That's my whole point. Commissioner Murray said, well, do what you want to do. Chairman Hair said, that's my whole point. Commissioner Kicklighter, I agree with you. Chairman Hair recognized Commissioner Jackel.

Commissioner Jackel said, this is not --, this is not a complex issue. Commissioner Murray said, no, it's not. Commissioner Jackel this is --, the people --, all they had to rely on is zoning to protect them. Well, wait a minute --, let me finish. [Unintelligible comments were made when several Commissioners began talking at the same time.] Commissioner Jackel said, the only thing they had to protect them is zoning. Most of the people that I represent, as a matter of fact I think virtually a hundred percent of the people I represent, do not have the type of restrictive covenants in their area that would protect them. So when a commercial development comes into a place and part of the zoning requirement says restaurants, we can add a different level of zoning by having it restaurants that are not fast food. [Unintelligible comments were made when Commissioner Kicklighter began talking while Commissioner Jackel was continuing to speak.] Commissioner Kicklighter said, [inaudible] than McDonald's because of the difference in the amount of money it costs to eat at those places. Commissioner Jackel said, it's different traffic patterns, it's different trash patterns. I'll bet if you go to Outback, and I know McDonald's tries hard. They've got the trash cans and everything, but if you go to any fast food place you will see somewhat a trail of debris that you don't see from an Outback, if you want to compare those two. Chairman Hair said, I don't think that's true. Commissioner Jackel asked, you don't think that's true? Try it. [Unintelligible comments were made when several Commissioners began speaking at the same time.] Commissioner Jackel said, there are other reasons, and the only thing that these people have in these areas to protect them is zoning, and they through their zoning, they have a right to. Your area is filled up with areas that are becoming to --, they have very restrictive covenants where they limit all kind of things around it, but the people in these different areas don't have that, and I think they have a right as citizens of this County to decide what kind of neighborhood they want to live in. Chairman Hair asked, will you answer a question? Commissioner Jackel said, I'm discussing this issue. Chairman Hair asked, you won't answer any questions? Commissioner Jackel said, oh, do I want to answer one of your questions. Chairman Hair said, yes. My question is what are you protecting the people from? Would you answer that? Commissioner Jackel said, they want a level of ambiance in their neighborhood that there are areas where fast food would be and there are areas where maybe they don't want fast food. Chairman Hair asked, so you're protecting your residents from fast food? Commissioner Odell said, no, ambiance is the answer. Chairman Hair said, [inaudible] a definition that deals with ambiance. Commissioner Rivers said, Mr. Chairman. Commissioner Jackel said, you know, you can't put everything everywhere. We have to have restrictions so it's just a --. Commissioner Kicklighter asked, we don't allow restaurants in neighborhoods do we? In commercial --. Commissioner Jackel said, whether it's adjacent to your neighborhood, what's going to go in there. We have all kind of zoning gradations. We're not doing away with zoning. We're just better defining it because the problem came up that an area was, they said this is --, we want a variance on our zoning and the zoning will allow restaurants. They thought they were going to have what we consider a traditional restaurant. Instead, they found up with a fast food place. They didn't think that was appropriate for the area, and I don't care whether you go to mall or wherever you go, people select what type of businesses they want to have and how that influences the area. This is just a way of defining --, of defining that and, you know, I hear Mr. Yellin hollering about everything except what's wrong with this. Chairman Hair said, no, he said, he was not --. Commissioner Jackel said, he said it was the timing, it was the place, it was this, that and the other, but what is wrong with the definition?

Mr. Yellin said, no sir, I will tell you what I did say. What I did say is we are looking at one particular industry. If the issue is lines, the queuing up of cars in traffic, let's look at banks. Banks have triple runs with the same voice machine that fast food restaurants have. I don't hear anybody saying let's go after banks because they shouldn't be next to residential neighborhoods. Commissioner Jackel said, well, I think banks have their own zoning. Mr. Yellin said, so does the fast food folks. Also keep in mind, the last meeting we had after the MPC, just so you'll know where we're going with this, there was one suggestion that said, you know, maybe the answer is let's have site plan review for all restaurants, fast food and otherwise, because it may very well be that in a zoning district over here it's appropriate and in the same zoning district over here it's not appropriate. That's a recognition by these folks that site plan is always appropriate because of residential folks. You want to be sensitive to those folks. There was also a comment made, and I think y'all should all hear this. These folks run good operations. They've been in business for a long, long time. I hate to think the collective history of all these families behind me. If we're going just after fast food restaurants, what you're telling me is I can have a poorly run restaurant right next to a very well run fast food restaurant. Now the restaurant that's permitted next door to the fast food that's not

permitted can have women scantily clad –, there are restaurants I'm told that do that –, and that's okay. Chairman Hair said, I've been told that too, Mr. Yellin. I've never seen them myself, but I've been told that. Mr. Yellin said, same for me, Chairman Hair.

Commissioner Murray said, we know, first of all, that fast food definition needs to be taken off totally anyway because I haven't found a restaurant that's considered fast food that you can go in and get any quicker than we can if you went in Hilliard's and sat down and ordered a seafood platter. You get it quicker doing that than I can going to fast foods.

Mr. Yellin said, but my point is, and I'm sorry, my point is we are absolutely pointing a finger at fast food restaurants. It has come about as a result of a dispute between developers and –. Commissioner Murray said, I don't think we're pointing a finger –. Mr. Yellin said, we want to be fair, but I think we're ultimately saying the same thing. Before you decide on a definition today or tomorrow, let's at least include these folks who prior to today have not been included. Commissioner Murray said, I agree with that. Mr. Yellin said, I think that's the bottom line. Commissioner Murray asked, didn't I explain that whole process? I thought I did. Mr. Yellin said, and we agreed. Commissioner Murray said, the other thing is we either have to take it out of our zoning ordinances or we have to come up with some type of definition or standards or something to classify it. We've got to do one or the other. Are you saying we go back and amend every one of our zoning ordinances that have that in there, or do we come up with some type of definition or standards for a restaurant? Mr. Yellin said, no sir, it may involve a definition or it may involve some –. Commissioner Murray said, and you're correct. It came from somebody saying they were going to do something and they did not do what they said they were going to do, and I don't need to get into more details with that because these gentlemen had nothing to do with that. Commissioner Jackel said, had nothing to do with it. Commissioner Murray said, and it had to be defined because it was not being defined when it came up in the ordinance, and that's why all this came about.

Chairman Hair said, I'm going to recognize Commissioner Rivers and then Commissioner Kicklighter for a motion. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, I just want to know from the people of the industry, can we come to some amenable terminology that would fit what we want? For example, on MLK a citizens group concluded that it was over-saturated with fast food restaurants, Burger King, as we know fast foods. I don't consider Hilliard's a fast food although they have a drive-in. There are certain restaurants I just don't consider as fast foods that have waiters, waiting tables, taking orders, et cetera. So can we –, like with MLK, the City has a restriction there that no more fast foods will go along MLK. Does that pose a problem in certain areas? And I'm asking you guys because whatever, whatever we come up with should be something amenable that you can function within a certain area, yet at the same time also pleasing the citizens where they have restrictions. Mr. Emmett Hodges said, I don't understand why do we have to be singled out. I disagree that our parking lots are dirty. We make a huge effort to keep them clean. This is –, the competition among us is pretty fierce. Commissioner Jackel said, I said that. They do that with it, but if you compare it with Outback, I think that's a different thing. No one's saying fast food is bad. All I'm trying to say is when we have an area that's zoned and it says for restaurant, what does restaurant mean? Does that mean any type of restaurant or can we differentiate and say in one zoning area we have a classic sit-down restaurant and in another zoning area you can have fast food. It's not pointing a finger at anyone. Mr. Hodges said, well, to me that's just –, thousands and thousands of dollars in our landscaping. If it's a question of lights at night, then why not regulate the lights at night? Chairman Hair said, that's correct, but regulate the lights on everybody, not just fast food. Mr. Hodges said, right. We don't serve –, we don't have loud music, we don't serve alcohol. Most of them close pretty early at night. I don't understand why you don't want to [inaudible]. I think the restaurant in question is Wendy's. Wendy's is a fine operation. Why would you rather have a Barnes Restaurant than a Wendy's? Why at all would you rather have that? I don't understand. Barnes has a drive-through. What –, if you go sit outside of Barnes and you go sit outside of Wendy's, what's more intrusive about Wendy's than Barnes? There's not a lot of people hanging around in their parking lot. If they are, they're hurting Wendy's business.

Commissioner Murray said, that's not the answer to that, and the problem is not whether it's a Wendy's or whether it's a McDonald's or whether it's a Barnes or a Hilliard's or Williams Seafood, or whatever it is. The problem came up when there's a zoning ordinance in Chatham County that states no fast food or states fast food restaurants are not allowed in that zone. That's when we found out there was no definition, no anything about it. That's why this has all come up, not whether we agree or disagree that you –, all the restaurants aren't good restaurants or they all have certain restrictions where you've got to keep clean parking lots and all these other things that go into it, but all this came up because of a zoning ordinance that we have and then there was no definition to declare what is and what isn't. Mr. Hodges said, well, sir, I don't agree. I don't concede KFC as fast food, and if you come in our restaurant I invite you to come and we'll –. Commissioner Murray said, I used to go to the one on Wilmington Island, but you closed down –. Mr. Hodges said, we closed down. We couldn't get fast enough there, but we're faster in other areas.

Chairman Hair said, Commissioner Murray, one thing you said I certainly agree with. I think it probably should not be in the ordinance. I think that this is purely discriminatory. We're singling out an industry, we're not singling out anybody else, we're singling out one industry and saying, you know, we're going to restrict you, but we're not going to restrict anybody else, and I think that's absolutely wrong.

Commissioner Rivers said, Mr. Chairman. Can I get a point of order? I haven't finished getting replies and those gentlemen were passing back replies to what I inquired about. Chairman Hair asked, what's the answer? Mr. Yellin said, Commissioner Rivers, I think the answer is I've got five different operators behind me. I'm not sure that they can give you one unified answer right now. I think what you really are looking for is let's continue this discussion, let's go back and have the meetings we asked for in the first place with everybody participating. Commissioner Murray said, and I'll agree to that.

Mr. Yellin said, but we can –. Commissioner Murray said, we all agreed to that. Mr. Yellin said, right, but –. Commissioner Rivers said, Mr. Chairman. Chairman Hair said, let Commissioner Rivers finish. Commissioner Rivers said, everybody, and I realize this is a pretty hot issue, but what I'm going to go ahead and suggest, that they be included in whatever dialogue that we have on definition. Commissioner Murray said, and they should be. Commissioner Rivers said, and if we decide at that time that it's not an amenable thing or it's not feasible, then we kill it or we go with whatever they come up with.

Chairman Hair said, Commissioner Kicklighter for a motion –. Marianne Heimes and then we'll get to Commissioner Kicklighter for a motion.

Ms. Marianne Heimes said, this thing has gotten really out of control. I'm going to give you some history briefly. This all started because a developer came to our group and asked for our help in rezoning a property that our group had always wanted to prevent from being what you might call a strip center shopping. We agreed to help the developer and actually the staff was opposed to it. The property was currently zoned for multi-family and they felt that was more appropriate, but we were given a –, talk about your carrot, and the stick came later. Nobody has any problem with fast foods and, gentlemen, I'm sorry it's gotten to this because this has just gotten really unbelievable. What happened was we said we would like to help you with this rezoning if you will say –, and he sat down with us at I don't know how many meetings, and we discussed what usages we would like, theaters, hotels, upscale restaurants, but we said no fast food. Somewhere that did not get into the ordinance and that's what this is all about. I don't know that we need a definition of fast food either at this point. I think that –. Chairman Hair said, we're going to fix that right now. Ms. Heimes said, all right, now wait a minute. The other thing is though, you know that maybe funny to you, but the citizens are about to get another fast food restaurant on the property and the developer said, well, after I put the next fast food in I'll sign an agreement not to put a third fast food in. Let's look back at what we said, no fast food and we are upset. Our group has met since Mr. Abolt asked us to meet with the developer, we have met five times. At the last –, next to the last meeting some of these gentlemen were here and I could see at that point that there was a problem with what we were trying to do, and they have their own design standards, but the problem is not solved for what we came to the MPC about. I personally have tried to contact Outback Steakhouse because that is what we were promised originally, an upscale restaurant. People at the MPC can tell you that, and if you have –, want to see the tape, it was on the tape of their last meeting. I've spoken with them and they have shown some interest, and I'm speaking to them again this afternoon. I've been willing to go that far and take my time, but this is not solving anybody's problem and you're missing the whole issue, which was that this is a transitional area, this was rezoned to PUD-MXU. On the Islands there are two places that were considered a transitional, and the other one was where they put the Kentucky Fried Chicken, which was really not supposed to go there either and which eventually, unfortunately, did go out of business. We have fast foods on the restaurant –, on the Islands. We've got two McDonald's, we've got Sonic, we've got a number of them, and nobody is arguing about that. We've got Hardee's. Nobody has ever fought over that. It's that this particular place was inappropriate and the citizens were opposed to it and somewhere in there the citizens were let down, and I don't know what will ever be done. They already have gotten their fast food. As I said, we're working to try to get the upscale restaurant, but remember this, this is a mixed-use property, which means that at least 25 percent of it cannot be restaurant. It has to be other, and I think that we need to get down to that other before we allow all these fast food restaurants to go in there because then it's not going to be suitable for other. There's been a lot of history on this and it's hard to explain it in two minutes, five minutes and even an hour, but these gentlemen have never been maligned by anybody. It's just trying to get through a problem, and I appreciate y'all being there.

Chairman Hair said, Ms. Heimes, you made a statement that in your opinion fast food was inappropriate. Could I get other people to agree that it would be appropriate for this? Ms. Heimes said, well, you could do that, but when we –, our group was approached by the developer and asked what we wanted, that's what we told him and he accepted that. Chairman Hair said, okay. Thank you very much. Ms. Heimes said, so that's I believe –. Chairman Hair said, I'll call on Commissioner Kicklighter.

Commissioner Kicklighter said, okay. First off, I'd just like to say that, you know, I feel bad that the area residents were misinformed by –, or whatever in that specific case. In the spirit of equality and not being judgmental of people, one better than the other, this applies with businesses, one business is no better than the other, I nor anybody else here should judge what's the best, because of the price of the food or the drive-in or whatever, that's why it's a free country, you can drive up and eat where you want to. I also would state that I believe there may be a group proposing a restaurant somewhere, but I think there's 30,000 people living on the Islands that would be packing that place even when it's built. I watched something similar to that happen out in my area with another type restaurant. The very people that were opposing it were the ones cutting the ribbons there when it opened, and we can't go this direction [inaudible]. We're all the same, we're all equal. If you own a restaurant, it's a restaurant. So in the spirit of equality, I make a motion to eliminate the definition of fast food restaurants and take it out of the ordinance altogether. Chairman Hair asked, do we have a second. Commissioner Thomas said, I'll second the motion. Chairman Hair said, Commissioner Murray before we vote.

Commissioner Murray said, my question is can we do that without going back to MPC and going through a process because it is part of a zoning ordinance right now? County Attorney Hart said, I don't know the answer to that to be honest. The –. Commissioner Murray said, Milton [Newton] I think is getting ready to give us an answer maybe. Mr. Milton Newton said, the term fast food restaurant actually does not appear in the ordinance. Commissioner Murray asked, well, what does? It keeps coming up. Mr. Newton said, I think that the term that is in the PUD-MXU district is a sit-down restaurant that also allows a drive-through, and it was to get at the issue of –, the sit-down restaurant aspect that the fast food restaurant discussion came about.

Chairman Hair said, so it would still be an appropriate motion because you take –. County Attorney Hart said, you'd be taking something out that isn't in the ordinance. Commissioner Kicklighter said, well, just restate the motion. Mr. Newton said, there is a use of the County zoning ordinance called a drive-in restaurant. Chairman Hair said, right. Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, just for your background, Mr. Chairman, Dr. Thomas, gentlemen, the MPC staff –, the MPC Board I would venture to say is about as divided as you are on this. We have come to the conclusion, some of us, that the real answer are performance standards regardless of how you'd call it. The issues testified by many of the citizens were due to the long queue, let's say, at eleven o'clock at night in some of the drive-through, the loud speakers coming forward, the litter and what have you. Without designating fast food or whatever, we feel there's some good that can be done based on performance standards. Chairman Hair said, and that's consistent with –. County Manager Abolt said, yes sir, and culturally –, we agree. Culturally, just like Commissioner Kicklighter said, our ways are changing and we feel –, some of us feel on the MPC the way to deal with it is not to deal with terminology but deal with performance. Chairman Hair said, thank you. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, before the vote, but from a legal standpoint shouldn't we change it to the actual wording that's in the zoning. If fast food is not defined, the lawyers are going to take that and run with it, so you might want to change your motion to have the actual wording that's in the zoning. Commissioner Rivers said, fast foods is not in there. Chairman Hair said, no. [Inaudible] this motion, but I see what you're saying we might need a further motion at some point. County Attorney Hart said, you'd be asking to remove something that isn't in the ordinance. Commissioner Murray said, I'm saying that the actual stated motion, rather than all the other stuff that went along with it –. Chairman Hair asked, Commissioner Kicklighter, would you state your motion for Commissioner Murray? Commissioner Kicklighter said, okay, my motion was to eliminate the definition of fast food restaurants and take it out of the ordinance altogether. County Attorney Hart said, there would be no need to act on that. Chairman Hair said, not to take that part out. Who seconded the motion. Commissioner Thomas said, I did. Chairman Hair said, okay, do you accept that as second? Okay. Commissioner Murray asked, how are you going to take it out? Chairman Hair said, okay, we have a motion and a second. All those –. Mr. Ken Earls said, clarify. Chairman Hair said, the motion is to eliminate the definition of fast food restaurant. That's the motion. Is that clear? Commissioner Murray said, there is no fast food in there though. There is no definition of that. Commissioner Rayno said, if you want to do this, put it drive-in restaurant or whatever the wording it is. What you're doing is nothing. Commissioner Kicklighter asked, then should it be worded eliminate the definition of a sit-down –. Commissioner Murray said, what we need to do is let these people and the industry get together and sit down and talk and come back with something that's a recommendation to us, not just come up with motions just to be making motions. Chairman Hair said, well, this is not a motion to be making motions. I think the motion is let's do –, let's do pass a motion that says we don't –, we eliminate any fast food definitions. That eliminates the discrimination part. I think that does need to be said. Commissioner Rayno said, which doesn't exist, Mr. Hart. County Attorney Hart said, no, it does not. My suggestion is that this Board take action to refer it to the Planning Commission to meet with these folks to see if they can come up with a definition that would be acceptable for purposes of acting upon because we've –, right now we've got restaurants, drive-in restaurants, which we do have definitions for and which, quite candidly, have some problems in. They were written 30 years ago and the business community has changed, and to also look at the definition of fast food restaurants and see if there can be one that can be crafted so as to protect the citizenry and at the same time be acceptable to the industry involved, and then bring it back to you folks for consideration. That's just a recommendation.

Commissioner Rivers said, same thing I suggested long ago. Chairman Hair said, that still doesn't deal with my problem. Commissioner Rivers said, it's just coming back with the same thing. Chairman Hair said, which still doesn't deal with my problem. Commissioner Rivers said, this is already here. This is here as information. Really it isn't anything that we –. Chairman Hair said, that's right. Commissioner Rivers said, that's in anything else. Not contained in any document or anything. This is something that we're discussing. Chairman Hair said, well, we're trying to prevent from something from happening. Commissioner Rivers said, well, let's not –, let's not deal with this. Let's let them go back and one way or the other if they come back with that drive-in and sit-down shouldn't be a part of that ordinance, they may come back and say no, that shouldn't be a part of it. So whatever they come back with let's deal with one way or the other.

Mr. Hilliard said, it will still be very difficult. If I'm not mistaken, Outback you can go there and get a take-out. They've got a take-out door. I don't know if you sit in your car and they come out or if you walk in now. Commissioner Murray said, I've never eaten in one I don't think. Chairman Hair asked, is that it? Mr. Hilliard said, they have a takeout, and [inaudible] has takeout. Commissioner Rivers asked, do they bring it out to you? Mr. Hilliard said, special parking for that.

Commissioner Rayno said, it's going to be very, very difficult. Mr. Hilliard said, and I don't consider ourselves, Carey Hilliard's, as fast food. I consider myself as a sit-down restaurant. Commissioner Kicklighter said, and I wouldn't consider Kentucky Fried Chicken as fast food because they've got a buffet and you can sit down.

Chairman Hair said, you know, everybody says nothing –, you know, we've had –, people on this side of the table [inaudible] well, nothing exists, we have a definition of a fast food restaurant that not only exists, it was passed by MPC, so it does exist. Commissioner Rivers said, but it's not –, it's not in the ordinance. That doesn't mean a hill of beans whether it was passed by MPC or not. It's not –, we haven't made it law. Chairman Hair said, that's what we're trying to prevent. Commissioner Rivers said, so we're not going to make this law. Commissioner Kicklighter said, so I'm voting against the definition then. My motion would be to vote against the definition of a fast food restaurant that the MPC provided. Chairman Hair said, and send that to the MPC. Yes, we're eliminating that definition. Commissioner Murray

said, if we send it back to the MPC, I don't have a problem with that. Chairman Hair said, all right. All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Commissioner Rivers said, I don't think nobody has a problem with it.

Chairman Hair said, thank you. We appreciate very much y'all coming today. I know you took a lot of time out of --

Commissioner Murray said, still though something has to be done to clarify our ordinance though that has that, and I think you're exactly right. You still need to meet and come up with something to clarify the ordinance. There is an ordinance that has that in it. Chairman Hair said, it doesn't say fast food. [Inaudible comments due to the amount of noise being made by members of the audience leaving.] Commissioner Murray said, it has to be addressed [inaudible]. Chairman Hair said, or taken out altogether. Commissioner Murray said, that was my only thought on this thing.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to vote against the definition of fast food restaurant that was provided by the MPC and send it back to the MPC. Commissioner Thomas seconded the motion and it carried unanimously.

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EXECUTIVE SESSION

Upon motion being duly made by Commissioner Thomas, seconded by Commissioner Odell and unanimously adopted, the meeting of the Board of Commissioners was recessed at 12:37 p.m., to go into Executive Session for the purpose of discussing litigation, land acquisition and personnel.

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

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ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

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

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APPOINTMENTS

None.

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ADJOURNMENT

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 1:01 p.m.

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APPROVED: THIS _____ DAY OF _____, 2001

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

SYBIL E. TILLMAN, COUNTY CLERK