

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, AUGUST 10, 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, August 10, 2001.

=====

II. INVOCATION

Commissioner Jeff Rayno gave the invocation.

=====

III. PLEDGE OF ALLEGIANCE

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

=====

IV. ROLL CALL

The Clerk called the roll.

PRESENT:	Dr. Billy B. Hair, Chairman Dr. Priscilla D. Thomas, Vice Chairman, District Eight Frank G. Murray, Chairman Pro Tem, District Four Jeffrey D. Rayno, District One Joe Murray Rivers, District Two Harris Odell, Jr., District Five (Arrived approximately 9:17 a.m.) David M. Gellatly, District Six B. Dean Kicklighter, District Seven
----------	--

ABSENT:	Martin S. Jackel, District Three
---------	----------------------------------

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

=====

YOUTH COMMISSIONERS

Chairman Hair said, we have a Youth Commissioner who's with us today. We have Amro Idris --, did I get the name right? He's a Senior at Windsor Forest High School. We're glad to have you with us today. As we go through the deliberations, if you'd like to ask questions --, you've been here before, so if you'll raise your hand, I'll recognize you.

=====

V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. PROCLAMATION FOR CLARA ROUSE ON HER RETIREMENT .

Chairman Hair said, the first thing on the agenda is a proclamation for Ms. Clara Rouse on her retirement. Ms. Rouse will join us down front. How are you this morning? Ms. Rouse said, fine.

Chairman Hair read the following proclamation into the record:

WHEREAS, it is befitting that we recognize employees who have provided dedicated service to Chatham County and its citizens, and in that regard, we salute with pride, Clara Rouse; and

WHEREAS, Clara began her employment with Chatham County on May 5, 1975 as an Accountant and having received excellent performance evaluations and working her way through the ranks, was promoted to Chief Accountant on September 6, 1991; and

WHEREAS, Clara is the Associate Pastor of the New Salem Community Church where she is loved and admired; and

WHEREAS, she is a dedicated employee that shared laughter and encouragement with her co-workers and Chatham County has greatly benefitted by having high caliber employees such as Clara.

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

CLARA ROUSE

for over twenty-six years of dedicated service to Chatham County and extend best wishes for a long, happy, healthy retirement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 10th day of August, 2001.

County Manager Abolt said, I was a little reluctant to know who's going to speak next because though of you that know Clara so well know that her ability to speak is well known and if she gets a microphone, no telling how long we'll be. No, she's a wonderful person and the resolution just read by the Chairman is so much on point. I had the good fortune to attend a function in this room a few weeks ago where she was able to tell us more about her next career, but her love of her fellow human beings is amazing. Her ability to raise you at your point of deepest depression is a gift, and she brings humor, she brings wisdom and intelligence to any task she faces. I will miss her, I know David [Persaud] will miss her. Here is a representation too of her years in Chatham County and, Clara, you've wonderful.

Ms. Clara Rouse said, thank you. I just wanted to say thank you to everyone. I'm so very grateful to have had the opportunity to work with Chatham County for 26 years and in my working here I have made a whole lot of friends and I look at Chatham County as family. I have an extended family in Chatham County, which is the audit firm that I've worked with for so long, I have my family in the natural, and I'm so grateful for that. They're not able to be here today because I really didn't press them to be here and they had other things to do. My husband is Superintendent at the 200-bed men's transitional center and he is in a really important meeting this morning so he couldn't be here, but I know that his thoughts and prayers are with me. But I appreciate my opportunity for having worked here. I love the Finance Department, I thank God for David [Persaud] being my Finance Director for so long. I've learned a lot from him and I will miss him and I will miss you, and I say to each of you: thank you. Chairman Hair said, thank you, Ms. Rouse.

Mr. David Persaud said, thank you, Clara Rouse. Mr. Chairman and members of the Commission, of the 26 years that Clara has worked in the County's Finance Department, I have had the pleasure of working with her for 16 years and she has served the department very well with the highest level of professionalism and integrity including that of Acting Finance Director on several occasions. She has served her well and we're going to miss her very much and we want to wish her well in her retirement. Thank you, Clara. Chairman Hair said, thank you, David [Persaud].

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

=====

VI. CHAIRMAN'S ITEMS

1. SAVANNAH BUSINESS GROUP AND SOUTHCOAST.

Chairman Hair said, most of you are aware that a couple of weeks ago all of our employees received a letter concerning health benefits at Southcoast and Candler/St. Joe's, and the only reason I have this on the agenda today is I'd like to get consensus to direct staff to get the three parties together, St. Joe/Candler, SBG and Southcoast to see if we can't work out an agreement. If you're like me, you've probably gotten a lot of calls from employees that say they don't want to lose their doctors that they've had for six or seven years and I believe that --, and I'm also, Russ [Abolt], if we get consensus from the Commission, I'm willing to help any way I can in terms of getting the parties together, but I just --, I wanted it on here to stress how important it is that we work out an agreement between Candler, SBG and Southcoast and see if we can't come to a meeting of minds.

County Manager Abolt said, we certainly appreciate the Chairman's leadership in this, too. It came at a very crucial time.

Chairman Hair said, so, without objection can we --, is everybody agreeable we should do that? Okay, that's the only reason I have it on the agenda.

ACTION OF THE BOARD:

By consensus the Commission directed staff to get Candler/St. Joseph's, Savannah Business Group and Southcoast together in an attempt to work out an agreement with these agencies regarding health benefits for County employees.

=====

2. MR. TIM WARREN - MEDICAL HARDSHIP.

Chairman Hair said, Mr. Warren is going to be here later. I told him 9:30 or 9:45. I didn't realize it was going to be under my section, but I think it's going to be sort of a hopefully a non-controversial item and I think I'll go ahead and explain it and we may be able to get a vote on it before he gets here. Under our ordinance we allow medical hardships primarily for temporary structures like a mobile home or something of that sort for those kind of cases. This is a case where a structure exists, it's a permanent structure been there over 15 years, and Mr. Warren's asking for permission to move his mother in there, and you have a letter in your file from the doctor stating her medical condition, and all I'm asking for is a granting of a medical hardship with the same stipulations that's in the ordinance for temporary structures. It has to be reviewed annually, they provide a letter from the doctor and also upon his mother leaving the structure, that the hardship will just go away automatically, and that's what --, that's all I'm asking.

Commissioner Kicklighter said, I make a motion to approve it.

County Manager Abolt said, Mr. Chairman, I talked to Mr. Anderson about --, I wanted to make sure the Board fully understands the condition of this structure. It was meant to be a building not to house people. Greg [Anderson], do you want to go into that?

Mr. Gregori Anderson said, yes, thank you, Russ [Abolt]. Good morning. Mr. Chairman, you certainly summarized it succinctly. Our department has been involved with this site since August of last year and based on a complaint that was filed in our office, we went out and took a look at the property and had a chance to talk to Mr. Warren at that time. The structure in question is an accessory structure that's in the rear yard of a single-family dwelling and in that zoning district it only allows single-family dwellings, it does not allow more than one dwelling on that property. As the Chairman indicated, there is provisions in the ordinance that talks about medical hardship that allows for a secondary temporary dwelling; however, in the ordinance it does talk about trailers and other temporary type structures, and this is obviously not a temporary structure. The structure was originally built as a playhouse and not a dwelling. Through our discussions with Mr. Warren since last year, Mr. Warren indicated to us that this structure was going to be initially used as an office for his consulting business and we advised him at that time that zoning did not allow a second dwelling on the property and if he did intend to establish a business on the property that he would need to obtain an occupational tax certificate from our office prior to that happening, and as time went along we went out on a number of occasions responding to additional complaints with meters being set and those kinds of things. There was an investigation that was done, again stimulated by a complaint, by the Police Department and the police officers who responded indicated to us that in his response he had a chance to go inside the structure and did identify that the structure was being used as dwelling at that time, and we sent a notice to Mr. Warren advising him of the violation and here we are today.

Chairman Hair said, Mr. Anderson is totally correct on the history, but I don't think that necessarily the history has that much bearing on what we're trying to vote on today. His mother became ill in that intervening time and, as I said, I think this is certainly well within the purview of being reasonable. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno asked, is there a toilet in the facility? Mr. Anderson said, from what we understand, yes, there is. Commissioner Rayno asked, is there separate electrical load center for that? Mr. Anderson said, I believe there's certainly separate gas to that structure. Commissioner Rayno asked, but not electrical load center? Mr. Anderson said, we're not

sure, we have not had the opportunity to go inside the structure. Mr. Warren has denied us access to actually go to see what's actually there. Commissioner Rayno said, so your perception of the history of this building has been they tried to make it a business one time, that didn't work so then they tried something else, which didn't work, and now they're trying to go for a medical hardship clause which they hope will pass. Do you happen to know the medical condition of the mother, what it is? Mr. Anderson said, well, we just got a copy of the same letter that I think you received from her doctor, and that was our first indication that there was a desire to pursue a medical hardship for that occupancy. Commissioner Rayno said, my perception of this whole thing is that this man is trying any way he can to justify this building being on his property and having gas and heat put to it.

Chairman Hair said, well, the structure's been there for 15 years. It's not like he did it on purpose. It's been there a long time. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I've got a few questions, but I'd like to ask Mr. Warren those questions.

Chairman Hair said, all right, why don't we delay this. It's probably --, I didn't think it was going to be controversial, but apparently it is going to be. So I'll wait until Mr. Warren gets here and we'll bring it back.

#

Chairman Hair said, okay, before we get to the Tabled Items, Mr. Warren has arrived and I'm going --, Mr. Warren, if you would come forward please. The Commission has been basically briefed on the situation and Mr. Anderson has briefed us on the situation, and I have tried my best to state the case as best I could and some of the Commissioners have some questions, but prior to that you could just basically tell us what you're asking permission to do and the reasons for it and then some of the Commissioners have some questions for you.

Mr. Tim Warren said, well, I'm basically just asking the Commission to grant a variance so I can move my elderly mother into a guest house I have behind my house, which is not zoned for that, but the County erred years ago before I bought the property in allowing two buildings to be built on the lot, and it's just been sitting vacant. My mother is elderly, she's not in good health, and I have a doctor's excuse that she needs to be near me so I can care for her on a day-to-day basis, and so I'm just basically asking the Commission to grant a variance for that.

Chairman Hair said, we have that letter in our file. Commissioner Murray has a question.

Commissioner Murray asked, what facilities do you have in this house? What is there? Mr. Warren said, it's --, everything. Commissioner Murray said, I mean, full bathroom. Mr. Warren said, full bathroom, full kitchen, one bedroom and one living --. Commissioner Murray asked, are there separate electrical hookups or meters? Mr. Warren said, yes, yes sir, separate electrical hookups, separate gas meter, everything. Commissioner Murray asked, and it's been that way for how long? Mr. Warren said, 20 years. Commissioner Murray said, I mean, with all this in there? Mr. Warren said, yes sir, and at one time the County allowed, when the Weatherwood situation had come up, the County allowed some of the people from Weatherwood to stay there on a temporary basis to help them out.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno asked, of the improvements you made were the Building Inspections people allowed to approve them? Mr. Warren said, the improvements were made when the property was built. All I've done is painted and put in some new carpet. Commissioner Rayno said, the load center that's on this building was there 15 years ago. Mr. Warren said, yes sir. Commissioner Rayno said, the gas meter was there 15 years ago. Mr. Warren said, yes sir, absolutely. Commissioner Rayno asked, was the building --? Mr. Warren said, 20 years ago. Commissioner Rayno said, is Inspections still here? Chairman Hair said, Mr. Anderson's here. Commissioner Rayno asked, were all these things in place for 15 years? Mr. Anderson said, well, we don't know. We have not had a chance to go inside the structure. We've asked Mr. Warren to go inside and take a look at what's there and he denied it, he denied access. Mr. Warren said, you don't need to go inside the structure to see if the electric meter or gas meter's there or how long they've been there. Commissioner Rayno said, well, if you're going to put an elderly woman who has got some problems in a building and we don't know, I don't feel comfortable passing this knowing whether or not that building is physically sound inside, electrically or plumbing wise or anything else.

Chairman Hair said, go ahead, Mr. Warren, if you want to respond to that.

Mr. Warren said, well, I was just going to say it was all approved by the County when it was built. Commissioner Rayno said, but here it is 15 years later. We don't know if the [inaudible] wire's in there or if it's tube wiring in there. This --. Chairman Hair said, Commissioner Rayno, you can't go back after the fact. If the structure was built according to code 15 years ago, you can't go back and change it now anyway. Mr. Warren said, the structure is still up to code.

Chairman Hair said, Commissioner Kicklighter and then Commissioner Odell.

Commissioner Kicklighter said, I think it's pretty bold of us to --, if this man's comfortable putting his elderly mother in a house, I believe, you know, I mean, we are all going to say for our mother is not responsible --. Mr. Warren said, it's a modern house. Commissioner Kicklighter said, I'm very comfortable knowing that it's a safe structure if you're willing to put her there. I admire you for bringing your mother in close to you where you can take care of her. Mr. Warren said, well,

she adopted me when I was six weeks old and has taken care of me ever since and now it's my turn. Commissioner Kicklighter said, well, we appreciate people like you. There's too many people that don't take care of their elderly. I admire you. Can I make a motion to approve this? Chairman Hair said, yes. Commissioner Kicklighter said, I would like to make a motion to approve. Chairman Hair asked, second? Commissioner Odell said, second.

Chairman Hair said, Commissioner Odell has a comment and then we'll --. Commissioner Rayno said, I'd like to make one final comment too.

Commissioner Odell said, I think Dean [Kicklighter] kind of spoke for me in that it was there when you bought the property. Mr. Warren said, yes sir. Commissioner Odell said, all of the inspection procedures were in place. Mr. Warren said, yes sir. Commissioner Odell said, I really think it's superfluous for us to want to go into your house and --, this is an easy one for me.

Chairman Hair said, Commissioner Rayno and then Commissioner Gellatly is going to have the last word.

Commissioner Rayno said, let me just read into the record here, in the background information that we got it said on August 7, 2000, the department wanted to go in, this is the Inspections Department, wanted to go in for interior work that was being conducted on the accessory structure without a permit. Mr. Warren said, I --, the interior work that was done I didn't need a permit. I was doing painting, carpeting, putting in new ceiling fans, things of that nature. Commissioner Rayno said, and you indicated at the time your building was being used as a consulting business and --. Mr. Warren said, I had previously had an office in this building, just a home office in there, yes sir. Commissioner Rayno said, but --. Mr. Warren said, and then my --, when it became evident that I needed to take the time to take care of my mother and I since have gone into another business out of town, I decided I was going to try to renovate the inside of this place and put her in there. Commissioner Rayno said, but you didn't have a business permit for this office that you had there. Mr. Warren said, it was a home office, not a working business.

Chairman Hair said, okay, Commissioner Gellatly and then --.

County Manager Abolt said, point of order, sir. I just wanted to make sure that the Board is advised that the Inspections Department certify as to the inspection, and the only reason I bring it up is not to speak contrary to what you said from the standpoint of caring for our own, but there may be a attendant legal liability in this if, heaven forbid, something were to happen to that structure and a family was there, then there is responsibility at the foot of this Commission saying it was okay to live there. Chairman Hair said, Mr. Abolt, we have an ordinance in place, we do it all the time with mobile homes, and we don't require to go in the mobile homes, we're talking about a permanent structure. County Manager Abolt said, I realize, sir. County Manager Abolt said, I don't think that's [inaudible] at this point. County Manager Abolt said, I think it's different because we know this structure was built properly. I don't think there's anything wrong. If you wish to pass this, it would be conditioned upon the actual inspection of the structure. Chairman Hair said, I don't think that's --, I don't think that's what we want to do. We don't do it for anybody else. Mr. Warren said, but I don't have a problem with that. Chairman Hair said, well, I know that, Mr. Warren, but I don't think it's fair to put you under any different circumstances than we put anybody else under. We've never done it in the past for anybody. Why do we want to start now.

Commissioner Rayno said, if he doesn't have a problem with it, I'd feel safer knowing that Inspections said it was safe for his mother to live there.

Chairman Hair said, Commissioner Gellatly and then Commissioner Murray.

Commissioner Gellatly said, I just wanted to have clarification. Did I understand that this would in fact be reviewed every year? Chairman Hair said, well --. Commissioner Gellatly said, in other words, should his mother ever move out, it won't become rental property or --? Mr. Warren said, absolutely not. Chairman Hair said, under the law you have to have a review and you have to have another letter from the doctor certifying the medical hardship. That's under the ordinance. Mr. Warren said, that's not my intent at all.

Chairman Hair said, okay, Commissioner Murray and then let's vote on it.

Commissioner Murray said, yes, the only comment I want to make is that the structure's 15 or 20 years old, and those properties were probably built better structurally than what we have built today. Commissioner Thomas said, that's right. Last longer. Commissioner Murray said, and 15 or 20 years is not that old for a structure like that, especially if he's maintained it. I don't have a problem with it. Mr. Warren said, let me tell you, I don't know if you know the Reed, but the Reed built this house and if there's ever a hurricane and you want to stay here, you need to come to my house. Commissioner Murray said, I know what you're talking about.

Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Murray, Odell, 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 Jackel was not present.] Chairman Hair said, the motion passes. Thank you, Mr. Warren. Mr. Warren said, thank you.

ACTION OF THE BOARD:

Commissioner Kicklighter moved that the Board approve the request of Mr. Tim Warren to allow an accessory structure on his property to be used as a dwelling under a medical hardship with the same requirements as a temporary structure. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rivers, Murray, Odell, 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 Jackel was not present.]

=====

VII. COMMISSIONERS' ITEMS

1. KLOTZ MATTER (COMMISSIONER RAYNO).

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you, Chairman Hair. We all received a letter from a Ms. Klotz that was distributed to us from Commissioner Rivers. Originally it was given to –, Commissioner Murray was out of the country at the time, so I took it upon myself as an issue because I felt it was very important. As background, Ms. Klotz was pregnant and had only acquired two weeks paid leave prior to the birth of her child. Some of her co-workers had offered to donate vacation leave time to Ms. Klotz to be home to heal and be with her child; however, the request for donated leave was denied and Ms. Klotz rightfully asked if the policy regarding donated leave specifically excluded maternity leave I would have understand –, I would have understood. It does not. If the policy regarding maternity leave specifically stated that persons could not have time donated to them, I would have understood. It does not. And then she was told there was a separate donated leave policy that was not in the handbook, and when she asked to see a copy of the policy, she found that the policy she was given was not signed by an official of Chatham County and was not dated as to when the policy went into effect, and again she asked a very important question: how can the County have a policy that affects employees that is not in the handbook, and the final summation is that she feels somewhat penalized for having a child. As politicians we sit up here all the time and say the family's the most important thing and family values are so important and that people should spend more time with their children. Here's a golden opportunity for staff to rally around a fellow co-worker and donate their time. It doesn't cost the taxpayers any money. There's a glorious opportunity for the Commission to say we respect families and our employees, they should be able to stay home if they want to if the employees are willing to pick up the slack at the workplace, and instead we're penalizing the people. We're creating this thing where this woman has to go back to work. It creates animosity among the employees and we don't have a clear policy set in the handbook manual. I would hope that this Board will be progressive enough to start taking women's health issues very seriously and let's change this policy and make it available for our employees to have donated leave from their co-workers. It doesn't cost any more tax dollars. It creates a great atmosphere of team work within departments and it gives the departments a chance to practice productivity enhancements while that person is gone. It's a win/win situation all around, and I just think it's regretful that it's come this far that we have to bring it up like this.

Chairman Hair asked, are you asking for a change in the policy? Commissioner Rayno said, yes, I am and I'm hoping there will be a consensus on this Board to –. Chairman Hair asked, how does what we already have –, we already have a policy that allows some donated leave. Right?

County Manager Abolt said, yes sir. It's a situation, and I'll defer to Mr. Kaigler very quickly on this, our donated leave deals with situations that are very serious in nature, catastrophic, prolonged illness, heart conditions, what have you. We do have a provision that is called maternity leave. That's where the miscue was made. We stipulate that everything she said is true. We failed to clarify the policy, but I do want you to understand before one might change the policy the reason for it.

Mr. Michael Kaigler said, yes, it's not uncommon for jurisdictions to disallow a normal maternity leave from the donated leave program. We surveyed a number of jurisdictions when we put this policy together and several instances don't allow the use of donated leave for the normal six to eight-weeks maternity leave. If she –, if an individual –, the doctor's put her bed rest, then it is allowable, but for the six to eight weeks that's normal maternity leave, that's generally not used for donated leave. She is correct that when the Personnel Ordinance and Procedures Manual was put together back in '89, donated was really new and there really wasn't a set policy for it. Over the past several years, Human Resources staff has developed a policy that's been used for about five or six years and applied consistently for all the employees. We have not really had a problem with the policy. It is our goal to with the next couple of meetings bring you back an ordinance change for your review and to vote on, but it's not uncommon for jurisdictions to disallow the use of maternity –, donated leave for maternity leave.

Chairman Hair said, I agree with Commissioner Rayno. I do think it's something we ought to look at. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, yes, I gave this thing to staff several weeks ago, I believe. County Manager Abolt said, a short time ago. Commissioner Rivers said, to have them to look into possibly changing, and I guess I'm waiting for that to come back, and you have something forthcoming you said? County Manager Abolt said, yes sir. Mr. Kaigler said, we have our policy and a ordinance change, in addition to the ordinance. Commissioner Rivers asked, can we get an understanding

of what that—? County Manager Abolt said, it would be to reinforce —, it would be to reinforce what Mr. Kaigler just told you. Mr. Kaigler said, it'll be —.

Commissioner Kicklighter asked, so, in other words, it's not going to include the leave for maternity leave is what you're saying? Mr. Kaigler said, not for normal maternity leave. If there are complications where the physician said the individual has to be off for extended period of time, it does include it, but not for the normal maternity leave.

Chairman Hair said, well, when it comes to us at first reading, we can add whatever we want to add or —.

Commissioner Rayno said, I'm just concerned, sometimes there's emotional issues that surrounds a woman after she has a baby that a doctor might not be able to diagnose and the employees might sense that in their productivity in the office, and that they have the opportunity to donate time. It doesn't cost the taxpayers any more money and it gives them a chance for team spirit within their department and to do a thing that makes them feel good as well.

Chairman Hair said, well, why don't I make a suggestion that I think —, direct staff to bring back two policies: one you're going to bring back anyway and then one that would allow for maternity leave as well, and we'll make the decision which one we want to do. County Manager Abolt said, we'll give you alternatives. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, if I'm not mistaken, you said that this policy has been in effect for about five years. Is that right? Mr. Kaigler said, it's a little longer than that. Commissioner Murray said, a little longer than that. Mr. Kaigler said, but it has not been —, the decisions have not been added to the Personnel Manual. Commissioner Murray said, well, that's where I have a problem with it. We have a change in our policy that's been in effect for over five years and has not been added into our handbook, then a lot of employees probably are not aware of it. Mr. Kaigler said, well, I think they —, we've made the departments, because the department heads essentially monitors and implements the program within their department, we've had that policy to all the department heads because they —, they're at the first step, they have to approve that leave, and it's contingent on that person having a good record, not abuse the leave, those kind of things. Commissioner Murray said, I still have a problem that you've got a policy change that's been over five years and we haven't updated the handbook yet. Mr. Kaigler said, we've got several things in the handbook, the handbook's about 10 years old, we've got several things that we're updating now and we'll be bringing back to you for review so we can have an update manual.

Chairman Hair said, okay, thank you.

ACTION OF THE BOARD:

Staff was directed to bring back to the Commission for an ordinance and policy manual change that does not include donated leave for a normal maternity leave and an alternative change that does not include donated leave for a normal maternity leave and the Commissioners will vote on the change they wish to put into effect.

=====

2. PERFORMANCE REVIEW BOARD (COMMISSIONER RAYNO).

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, yes, thank you, Chairman Hair. I thought it was good that we got the Performance Review report back because I think we can use it as a tool to help make a positive change here in Chatham County. I'm glad to see that Jerry Hogan's here because perhaps we might have some questions for him later on, and thank you for being here, Mr. Hogan. I appreciate that, but, you know, just to sum up just three things about the Performance Review Board, there were troublesome areas regarding the uniformity of property values, there were inconsistent appraisal methodologies, and the appraisal staff changes evaluations established by the BOE without obtaining BOA approval. Well, the Performance Review Board suggested the County should utilize the Department of Revenue's professional appraisal staff to help Chatham County implement the best practices in the County. In short, they would basically come in and oversee our operations and correct the problems that they talked about in the Performance Review report. I think this is something that we should possibly utilize. In the commercial sector alone we know we might be losing about \$15 million per year, and I'm wondering if there would be support on this Board to pass a resolution asking for the DOR to come in and help utilize professional appraisal staff and help us correct the problems that we've seen over the past two reports that came from the DOR.

Commissioner Rivers said, Mr. Chairman, let me ask —. Chairman Hair recognized Commissioner Rivers. Commissioner Rivers said, Mr. Hogan and Mr. Udinsky are here. Mr. Hogan, have you had the time to respond to those things that came back negatively in the report? Mr. Jerry Hogan said, I had talked to Dr. Hair about three or four weeks ago. Dr. Hair said to wait until y'all had the financial business done. Y'all haven't had the financial business done. I have not heard from Dr. Hair, I've been out of town. To give you a little small rundown, I'm not going to take a lot of questions because I haven't reviewed it —, I mean, I have, but I've got my —, what I want to tell y'all, written out. I didn't bring it today because I just found out last night that Mr. Rayno was going to bring this up and I said I wasn't prepared for it so that's the only thing I could tell you, but we have basically looked at our last meeting, gone over every aspect of the Performance Review Board. We've

taken into account the methodology, all that Mr. Rayno's brought up. The only thing that we didn't have --, we couldn't get a handle on was the way that the meetings are --, gets out of hand sometime, and I think that that's being brought into --, brought into hand by different people. The suggestion, Mr. Rayno, to have the Department of Revenue come in and oversee our operation, as I told the Board, I think it's a smokescreen --, a smokescreen so they can come in and do basically what they want to do. We made them --, we've got this --, basically we've got this Performance Review Board and it's supposed to be bad. We've taken it very positive, as Mr. Rayno has, is that we're correcting our problems effectively trying to get what the people of Chatham County would want. I mean, I'm going into it a little bit further than I want. I would just like to have the chance to --, whenever Chairman Hair asks me to come, I'll have a formal presentation on what we've done. And I want to get --, I want to get something straight with my bosses, what y'all are basically, is the County business it gets done. Now it gets done ugly, but it gets done. All the other policy changes, as I saw this morning, you think something's going to go easy, it's not going to go easy. Our biggest problems are policy changes. There are a couple of people on there as long as they make the policy, it's fine; if they don't --, if they're not in charge of the policy, then it's no good. That's some of the problems we do have. But the County business gets done. Commissioner Odell said, we have that same problem. Mr. Hogan said, I could see that just this morning. Chairman Hair said, I can relate to that.

Commissioner Rayno asked, can you clarify the smokescreen issue? What do you mean? Mr. Hogan said, I'll clarify that, Mr. Rayno, when I have a chance to clarify it. I don't think it was --, I found about this last night and I will clarify it when it comes time. Commissioner Rayno said, well, I'm really confused because you told Chief Gellatly [sic] and myself at Burke Day's fund raiser that you were going to come to this meeting because Billy [Hair] said he was going to be here at this August 10th meeting. Mr. Hogan said, no, I did not say that. I said that Chairman Hair asked me to come at the August 10th meeting. That was before that y'all could not settle on a millage rate. Commissioner Rayno said, and I told you then I looked forward to seeing you today. Mr. Hogan said, I misunderstood you. It makes no difference that --.

Chairman Hair said, let me --, I think that --, I think it is appropriate that at some point that we have a full discussion of this issue. I do not think that today's the appropriate time to do it when everybody's not prepared. I do think that as soon as the budget is passed, which maybe we can go ahead and set now. I'm willing to say the first week in --, the first meeting in September's fine. Mr. Hogan said, that's fine. Chairman Hair said, we'll have full blown discussion and everybody will be prepared at that time to discuss the issues.

Commissioner Rayno said, well, let me ask you this question since it's still --, I still have the floor since this is part of my agenda item. Is Gary [Udinsky] still the only person that has access to the computer that can only be --, the only person that generates reports, so if Gary [Udinsky] dies tonight nobody would know how to run the system? Mr. Hogan said, that's true, but I think it's up to the --, we want --, we don't want somebody else come in and to --, come in and that's what we want, yes. We want somebody else to be able to --, it would take a lot of pressure off of Mr. Udinsky and also it will --, I think it will prove that he's been pretty honest throughout the thing. Commissioner Rayno asked, well, what would you think about, and I think this is for Mr. Udinsky's protection as well --. Mr. Hogan said, I don't think that anybody's there --, I'm not there to protect Mr. Udinsky and I'm not there to fire Mr. Udinsky. I'm there to make sure --. Commissioner Rayno said, no, I'm not asking that, I'm just --. Mr. Hogan said, that it's run correctly the way that I feel in my heart, stomach and mind. Commissioner Rayno said, so let me finish, I'm just trying to be fair here. I'm just trying to be fair. Mr. Hogan said, you haven't been fair to the Board of Assessors since you started, sir.

Chairman Hair said, I'm going to ask that you --, let's not get personal. Mr. Hogan said, I'm sorry. I apologize. Chairman Hair said, let's not get personal. Mr. Hogan said, I'm not prepared to answer these questions. Chairman Hair said, I'm not going to allow that, okay, from anyone. Just keep it on the facts.

Commissioner Rayno asked, wouldn't it be in the best interest of Chatham County if the second person that could run the computer system [inaudible], would be somebody in, say, like the Audit Department, like Reese White or one of his people so we could have an efficient system of checks and balances and then also if there's ever need for an audit, they would already be privy to this information. Mr. Hogan said, I just agreed with you, yes sir, we would accept that. Yes sir, it was one of the things that we talked about at that, but there's some politics behind what you want and I'll be glad to tell you about it at the September meeting. Commissioner Rayno said, and again, this would protect Gary [Udinsky] from people saying that he was doing something fraudulent. Mr. Hogan said, I don't think that Mr. Udinsky needs protection. Chairman Hair said, well, okay.

Commissioner Rayno said, one other thing, the other thing in the report was a lack of harmony among the board members, and that's something that you expressed this morning. Do you think it would be a good idea if you moved out of that small room where people are so close together and it gets very confrontational, moving to this big room here and then have the opportunity to televise the meetings. That way more people could come, some of the older folks wouldn't have to stand in the hallway trying to watch or hear your meetings. There would be plenty of room, there would be handicap access, and then people at home could have access to watching what's going on in your meetings so that you wouldn't be misrepresented in the paper anymore. The people would know exactly what you said, and they couldn't take your words out of context, and you wouldn't be, you know, bad mouthed anymore. Mr. Hogan said, I'm not bad mouthed anyway. I've never --, I don't quote to the paper. Whatever they want to take --, what happens at the meeting, it's fine. That's as far as I go with it, but talking about the way that the meetings are done, certain people on the --, on our board, it makes no difference where they are, they're still going to be --. Commissioner Rayno asked, well, don't you think if we televised the meetings --? Mr. Hogan said, they're going to be volatile --, well, let me answer the question, Mr. Rayno. They're going to be volatile, they're going to be volatile and they're going to yell and scream no matter where they are. Commissioner Rayno asked, well, don't you think it would be good if people saw that? Mr. Hogan said, any time that it's an improvement,

anytime there's an improvement, coming here, the small room for the --, where we meet, it is small, it gets very warm. Yes, we would --, you know, yes. Any time that you can improve something would be fine, yes.

Commissioner Rayno asked, could they meet here, Chairman Hair? Chairman Hair said, certainly. Commissioner Rayno asked, could we televise the meetings? Chairman Hair said, it's a County facility. Anybody can use it for public business. Chairman Hair asked, could we televise the meetings? Chairman Hair said, I'd have to get with Pete [Nichols] on that. Probably could, but I'd have to check with --. Mr. Hogan said, we have gone into that before and with the finances of the County we felt like that it was spending money that was not necessary.

Chairman Hair said, we can certainly look into it. It certainly can be done, it's just a matter of whether we want to do it or not. Dr. Thomas, Commissioner Murray and then Commissioner Rivers.

Commissioner Thomas said, thank you, Mr. Chairman. I think my question has been answered. Chairman Hair said, okay. Commissioner Thomas said, but just let me just --, my question was going to be raised to Mr. Udinsky because I raised this same question to Mr. Udinsky once before when he was here. It has to do with the cross-training, you know, of other people in the office to ensure quality assurance in there should something happen, God forbid. Have you considered doing that, or are you doing that, or just --? I'd just like for that phase of it to be cleared up. Mr. Udinsky said, let me try. There's some confusion. The appraisal staff, everybody who has access to the computer system on the appraisal staff, as well as the support staff, have access to the same report writer that I have access to. They all can do their own custom reports, they can all do their own thing. In fact, they can do things that I can't do because I'm not involved with their data everyday, so I don't know their data as well as they do. That's one aspect of this situation. That's the report writer, they all know how to do it. This business that I'm the only one who knows how, that's wrong. Now I may be better at it because I --, my background is in data processing, but everybody has access to it and they all can do it and they all do it every single day. In fact, they do reports that I've seen them do that I'm amazed that I didn't know how to do. That's one aspect of it. The other aspect of this is, there are annual reports that are done only to get the process of producing a digest finished and done simply once a year. Even I have to look up how to do them every year because I forget from year to year, and they're documented and you pull the documentation out and anybody can do it. Now, does anybody else do them? No. I run those annual reports myself because I take responsibility to make sure the final digest is complete and correct, but the documentation is there. These are vendor-supplied applications. A vendor can be called on any moment's notice to get input on how to run them so it's just not what it's being made out to be. Commissioner Thomas said, I think you used a key word there, access. They do have access? Mr. Udinsky said, yes ma'am. Commissioner Thomas said, and in that way you can cross work with each other in those areas? Mr. Udinsky said, yes ma'am. Commissioner Thomas said, thank you.

Chairman Hair said, Commissioner Murray and then Commissioner Rivers.

Commissioner Murray said, yes, I'll just hold my questions and comments until the meeting in September since we've already set a date for that. Mr. Hogan said, thank you, sir.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, Gary [Udinsky]. Mr. Hogan said, yes sir. Oh, Gary [Udinsky] or Jerry [Hogan]? Commissioner Rivers said, Gary [Udinsky]. Mr. Hogan said, go, Gary [Udinsky]. Commissioner Rivers asked, is my diction bad this morning, Mr. Hogan? Mr. Hogan said, no, no, it's not. Mr. Udinsky said, I think our hearing is bad. Commissioner Rivers said, Gary [Udinsky], you know, this has come up on several occasions and, as you say, there's a misnomer. Now let me ask you this, is there any possibility of you doing those final reports in correlation with someone who would be abreast of it if you were --? Mr. Udinsky said, I would love that. In fact, we have a person assigned to us, who's worked in the computer ICS department. Unfortunately, she's been on maternity leave for a while and has not been in the office so she wasn't there for this round of running those annual reports. But, yes, I'd love to have that. The Performance Review Board said that we should have a person assigned to us on a permanent basis. Now this employee is not --, she's a full-time employee, but only works about 30 hours a week. We would love to have a 40-hour a week, full-time person that's there all the time who could do this stuff for us. We'd love to have them.

Chairman Hair said, okay, we will have --, for everyone's, the public's knowledge and everyone else's knowledge, we will --, everyone will be back here on the first meeting in September and that's when we will have a full discussion of this item and make sure --, Mr. Abolt, make sure it's on the agenda, and it will be the first week in September, first meeting in September rather. County Manager Abolt said, sure. Chairman Hair said, make sure that everyone's had a chance to review the report, you know, and fully familiar with it and that sort of thing. Mr. Hogan said, thank you very much. Chairman Hair said, thank you.

ACTION OF THE BOARD:

This issue will be placed on the agenda for discussion at the first meeting in September, 2001.

=====

CHATHAM AREA TRANSIT AUTHORITY

The Board recessed as the County Commission at 9:38 a.m., and reconvened as the Chatham Area Transit Authority.

The Chatham Area Transit Authority was adjourned and the Board reconvened as the County Commission at 9:49 a.m.

=====

VIII. TABLED/POSTPONED ITEMS

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

1. **MIKE WEDINCAMP REQUESTING A CURB CUT OFF OF JIMMY DELOACH PARKWAY (COMMISSIONER KICKLIGHTER). Tabled at meeting of May 25, 2001.**

ACTION OF THE BOARD:

This item was not untabled and placed before the Commissioners for consideration.

=====

- * 2. **APPEAL FROM HATHAWAY DEVELOPMENT COMPANY TO PAY FULL COST OF TRAFFIC SIGNAL AT JOHNNY MERCER BOULEVARD AND WHITEMARSH ISLAND ROAD. At meeting of June 8, 2001, item was tabled to meeting of August 10, 2001.**

Chairman Hair said, I'll entertain a motion to take it off the table. Commissioner Murray said, I would like to move that we leave it on the table until the second meeting in September. I talked with the developers. They understand that it is still in place that they have to furnish that traffic signal unless this Commission overturns that, and I would like to leave it on the table until the second meeting in September. Chairman Hair said, all right, I have a motion to leave it on the table until –. Commissioner Kicklighter said, second. Chairman Hair said, the second meeting in September. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved that this item remain on the table until the second meeting in September, 2001. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

=====

3. **ADOPTION OF BUDGET IN CERTAIN SEQUENCE: At meeting of July 27, 2001, item was tabled to meeting of August 24, 2001.**
 - A. **REQUEST BOARD ADOPT THE FY 2002 BUDGET RESOLUTIONS FOR CHATHAM COUNTY. (NOTE: IF THERE ARE MODIFICATIONS TO THE EMPLOYEE HEALTH PLAN, INCLUDED IS A STAFF REPORT ON ALTERNATIVES TO CHANGE BENEFITS.)**
 - B. **REQUEST BOARD APPROVE A RESOLUTION CLARIFYING THE MILLAGE LEVY FOR FISCAL YEAR JULY 1, 2001, THROUGH JUNE 30, 2002.**
 - C. **REQUEST BOARD ADOPT YEAR 2001 CHATHAM COUNTY GENERAL MAINTENANCE AND OPERATIONS, SPECIAL SERVICE DISTRICT, CHATHAM AREA TRANSIT AND THE BOARD OF PUBLIC EDUCATION FOR THE CITY OF SAVANNAH AND THE COUNTY OF CHATHAM MILLAGE LEVY RESOLUTION PURSUANT TO ADVERTISEMENT HAVING BEEN PUBLISHED IN ACCORDANCE WITH O.C.G.A. 48-5-32.1.**

ACTION OF THE BOARD:

This item was not untabled and placed before the Commissioners for consideration.

=====

- * **4. REQUEST BOARD DENY REQUEST FOR TAX REFUND OF HUBERT L. JOSEY FOR TAX YEARS 1997, 1996, 1995 AND 1994. At meeting of June 29, 2001, item was delayed to the July 27, 2001, meeting. Item was untabled at meeting of July 27, 2001, then re-tabled to meeting of August 10, 2001. Attached is a written report from the County Attorney as to additional information.**

Commissioner Gellatly said, Billy [Hair] –. Chairman Hair said, let's get it off the table first. I need a motion to get it off the table. Commissioner Murray said, so moved. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes. Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, this gentleman is one of my constituents and I've been discussing this issue with him. I don't think that it's fair to him that he –, that this was coming up today, so I'm asking that it be tabled so he can have an opportunity to be here.

Chairman Hair said, all right, motion to table to what –, first meeting in September? We need a date specific. Commissioner Gellatly said, that will be fine. Chairman Hair said, okay. Second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.]

ACTION OF THE BOARD:

Commissioner Murray moved to untable this item. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

Commissioner Gellatly moved to table the request for tax refund of Hubert L. Josey for tax years 1997, 1996, 1995 and 1994 until the first meeting in September, 2001.

=====

- * **5. BOARD CONSIDERATION OF REQUEST TO CONTINUE THE LOCATION OF A MANUFACTURED HOME FOR A MEDICAL HARDSHIP, ELIZABETH JOHNSTON, 2413 NORWOOD AVENUE. [DISTRICT 3.] At meeting of July 27, 2001, item was tabled to meeting of August 10, 2001.**

Chairman Hair said, I'll need a motion to take it off the table. Commissioner Kicklighter said, so moved. Commissioner Thomas said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes. Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, yes, this was tabled to allow staff to do more notification. You'll notice in your material handed out that the Inspections Department did provide notification. According to this list to, let's see, two, four, six, eight households were notified as –, the intent to have this hearing today, as well as the owners.

Chairman Hair asked, is anybody here representing Ms. Johnston or is she here herself? Do you want to come forward, sir. State your name for the record.

Mr. Tom Hansen said, my name is Tom Hansen. Elizabeth [Johnston] is my sister. She owns the property that the manufactured –, that the mobile home is on.

Chairman Hair said, I'm trying to remember what the problem with this before, why it was tabled. Does anybody remember what we –? County Manager Abolt said, there has been some controversy with this spanning several years. If you'll recall, there was some neighborhood concern. Chairman Hair asked, is this the one that was supposed to be moved and it wasn't moved or something? County Manager Abolt said, yes sir. The County moved a palm tree and –. Chairman Hair said, yes. Was the tree on the right-of-way or something? County Manager Abolt said, no, no. To move the mobile home we had to remove the palm tree. The palm tree was removed, but the mobile home stayed in place because there was a continuation of hardship.

Mr. Hansen said, well, that was before my sister had her evaluation with her arthritis, which is a chronic [sic] condition. You have a copy of the doctor's letter stating that she needs assistance from her daughter who is staying in the trailer. Prior to that we were in a position to move the –, you know, move the mobile home until –. Chairman Hair asked, wasn't there a medical hardship in place for another person? Mr. Hansen said, oh, yes sir. Originally, originally that was my mother. The property has been owned, you know, by the family for 50 years, and my mom and dad both were ill and my sister came

to assist them and that's when the mobile home was placed on the property and was approved, and since then my mom and dad have passed away and --. Chairman Hair asked, your sister lives there? Mr. Hansen said, and now my sister is in the --, is in a condition similar to what my mom was in when she came.

Chairman Hair recognized County Attorney Hart.

County Attorney Hart said, this situation with the medical hardship was created for temporary situations. It's really a policy decision on the part of this Commission. You've had one medical hardship with one relative. That relative is no longer occupying. You now have a request for a second medical hardship --. Chairman Hair said, it should meet the requirements for the medical --. County Attorney Hart said, and they meet the requirements. It's just a matter of whether you guys want to allow medical hardships or not allow that.

Commissioner Kicklighter said, I make a motion to approve. Chairman Hair said, I have a motion to approve. Do I have a second? Commissioner Gellatly said, second. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, there's strong opposition from people in the neighborhood for this trailer being there. Is there anybody here to represent the neighborhood? Chairman Hair asked, anybody here from the neighborhood? Commissioner Rayno asked, are you Mrs. Weil?

Mr. Hansen said, can I say one other thing? Chairman Hair said, certainly. Mr. Hansen said, the property adjacent to where the trailer is has been sold twice with increase in value. So these mobile homes are not --.

Chairman Hair asked, ma'am, would you like to come forward? I need your name for the record please. State your name for the record.

Ms. Phyllis Weil said, Phyllis Weil, W-E-I-L. My home is located at 2414 Salcedo Avenue and is directly behind the property that is being discussed today. My husband and I purchased our home and that lot some 14 years ago, and the mobile home has been there as long as we've been there. Mrs. Johnston came to my home probably more than a year ago and asked if she could talk to my husband and I about a request for rezoning to permit the mobile home to remain at the lot. Chairman Hair said, please speak in the mike. Ms. Weil said, and at that time we invited her into our living room and she told us that her --, originally the medical hardship was because of her grandfather, Mr. Hansen, and then when he passed on, they requested the medical hardship be extended for her grandmother, Mrs. Hansen. Mrs. Johnston told me and my husband that her grandmother left the mobile home to her when she passed on, and she took up residence in the mobile home. She said her problem was that she didn't really think the mobile home would withstand moving it, that it wasn't in good enough physical condition to sustain the move, and she also said that she had gone through a divorce and had a child that was going to school at St. James, and she just didn't have the funds and hadn't made the necessary, I guess, savings to allow for the move. I expressed my sympathy for her situation and so did my husband and concern for their predicament, but I also told her because she was requesting that my husband and I would be willing to sign a piece of paper stating that we had no objection to the mobile home remaining on the lot, and I told her that I couldn't do that because I did object to it being there while I sympathized with her situation, but that also our entire neighborhood had always been extremely involved in any issue that affected the neighborhood in what we viewed a negative way, and I said I couldn't arbitrarily, even if I agreed that it was okay for it to remain there, sign any sort of paper and just exclude the opinions or feelings of the residents of Harrock Hall. I've spoken with many of them because legally I understand the notice of this hearing only had to be mailed to the adjacent --, owners of the adjacent property, and mine was --, it was mailed to the right address, but misspelled and late in coming so I've had a very brief amount of time to contact other residents, but I have made several contacts to the residents of the neighborhood that have lived there for --, since 1975 or longer. And while everyone feels that they've extended in a very generous way the, you know, feeling of acceptance that the medical hardship not only is allowed by law, but that it's far extended any attitude of generosity from the members of the neighborhood because it's now gone to another generation and, you know, everybody is feeling when is this going to end. I mean, I would ask respectfully of each one of you how you would feel if you purchased property in a lovely neighborhood and a mobile home was allowed to be moved on an adjacent lot and remain there for years.

Chairman Hair asked, Ms. Weil, can I ask you a question? Ms. Weil said, sure. Chairman Hair said, I believe you stated that that mobile home was there when you bought your house, right? Ms. Weil said, that's right. Chairman Hair said, and it was probably there when a number of the other property owners bought their houses, right? So they bought the homes knowing that this trailer was there. Ms. Weil said, well, actually everyone was already there except for my husband and myself, and we were told when we questioned it that it was because of a medical hardship for Mr. Hansen and so, I mean, we were told that this had already been extended to Mr. Hansen. Chairman Hair said, I have a question for staff. We have a letter on file that meets the requirements for medical hardship exemption. Do we have that letter? County Manager Abolt said, that's correct. Chairman Hair asked, on Ms. Johnston? We have a letter? County Manager Abolt said, yes, they do and then each year they have to come back, you know, to --. Chairman Hair said, all aright, that's fine. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, some of the Commissioners were not on the Commission when this came up a while back when we came into the process about removing the tree. At that time we probably had --, half of this room was full of the neighbors and the residents of the Harrock Hall area, all in opposition to it. At that time, if I'm not mistaken, we made a motion to deny it. The excuse then was that the tree was blocking the mobile home from coming out. We directed staff to have the tree removed so they could get the mobile home out. A number of months later it came back to us that the tree had not been removed, the mobile home was still there and a different person was living in it and that that had been

extended again for another medical hardship. We then directed that the tree come out. The tree was taken out that same day. I don't know what all the circumstances are now, but I don't think that what has happened over the years has been complied to as it should have been, and I think it's tough when somebody has medical hardships, but I can also understand the residents and the neighbors position when you have one that keeps going from one person to another and keeps going into the mobile home. My personal feeling is, it's not in my district, it's the Third District, that the mobile home should come out. We've directed it to take place once before and it never happened.

Chairman Hair said, I just believe that if they meet the requirements, I'm a little bit concerned about our legal position if they legally meet the requirements. I know it's a policy decision. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno asked, can I ask Mr. Johnston [sic] a couple of questions? Chairman Hair said, yes. Mr. Hansen said, Tom Hansen. Chairman Hair said, Hansen. Commissioner Rayno said, I'm sorry, sir. Mr. Hansen said, yes sir. Commissioner Rayno asked, how big's your house? Mr. Hansen asked, how big is the house? Commissioner Rayno said, yes. Mr. Hansen said, about 900 square feet. Commissioner Rayno asked, with two bedrooms? Mr. Hansen said, yes sir. Commissioner Rayno asked, and both bedrooms are occupied currently? Mr. Hansen said, yes sir. Commissioner Rayno said, okay. There's not a third room or place to put a person inside? Mr. Hansen said, no sir, that's the problem. The house was built 50 years ago and, you know, it hasn't been added to or anything. What Ms. Weil said is true. When the original —, after mom died, we were notified that the trailer had to be pulled away, and we were making arrangements and we ran into the problem with the tree and all that kind of stuff, and so we were trying to get a zoning thing and I know this looks kind of funny, but after this all happened my sister's health deteriorated to the point to where she's in the condition that she's in now. It's —, the first variance was for my dad, who had emphysema, and then he passed away and then my mother, she was there, and she passed away. And, like I said, it's unfortunate that people get sick, but we still in fact do have the medical hardship. I mean, it's not a rental property, it's not, you know, the trailer's been there, oh gosh, I'm thinking about 20 —, about 20 years. It's been a long time.

Commissioner Murray said, which raises another question. Mr. Hansen asked, sir? Commissioner Murray said, which raises another question. Is that trailer —, does that trailer meet all the codes, and I don't believe it does. Mr. Hansen said, well, it's —, well, what do you mean —, what would not meet, sir? Commissioner Murray said, well, and maybe I'm wrong with this, but I know that we were going to move some trailers from a trailer park into another area and we could not move them into another part of the unincorporated area because they did not meet the codes at that time with the wiring set up that was in the trailers built over, I think, it was over 15 years ago.

Chairman Hair said, if I recall correctly though that only affected people that moved, it didn't affect any existing. Mr. Hansen said, if it's moved it has to be moved to a special —. Chairman Hair said, I see Mr. Hart shaking his head. I'll get everybody. Commissioner Rivers then Commissioner Gellatly and Commissioner Kicklighter.

Commissioner Rivers said, let me ask staff a question. County Manager Abolt said, yes sir. Commissioner Rivers asked, when we moved that trailer, why wasn't that trailer taken out? Mr. Hansen said, I wasn't aware that the tree was ever physically moved. County Manager Abolt said, I thought the tree came out. I believe the tree came out the very day —. [Unintelligible comments were made when several Commissioners were speaking at the same time.] Commissioner Rivers said, and I was here when we granted the waiver to allow you to have a hardship. I don't know whether it was your mother or whether it was your father. Mr. Hansen said, it was my mom. Commissioner Rivers said, but we allowed that, and then when it came down to objections and there was no one occupying the trailer at the time and your mother had passed, then we said okay, take it out. Mr. Hansen said, right. Commissioner Rivers said, but you couldn't get it out because the tree was there. We instructed staff to take the tree out, and when the tree came out, why wasn't the trailer moved? Mr. Hansen said, I wasn't aware that the tree was pulled out, you know, because we —, we had made arrangements at another mobile home park for the, you know, for the trailer to be moved, and then shortly after this is when my sister took a turn for the worst, and that's when I came back and asked for this new procedure. Commissioner Rivers asked, is your sister incapacitated or —? Mr. Hansen said, she's not totally incapacitated, she has degenerative arthritis and something to do with her back and that kind of stuff.

Chairman Hair said, Commissioner Gellatly and then Commissioner Kicklighter and I'd like to make some comments.

Commissioner Gellatly said, my question's been answered.

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

Commissioner Kicklighter said, yes sir, I was wondering if your sister is able to hold down a job now? Mr. Hansen said, yes sir, she works part-time, and let's say, she has a situation where, you know, when her condition gets to the point to where she can't stand, she, you know —. Commissioner Kicklighter asked, and she's not in a wheelchair or anything like that? Mr. Hansen said, no sir, not at this time, but unfortunately it's just a matter of time.

Chairman Hair said, it appears to me this gentleman and this lady are in a sort of a Catch-22. If we demand they're going to move the trailer, but yet the trailer doesn't meet the code, the current code, so we're going to demand that they move something, move it to some place they can't put in Chatham County, that doesn't make any sense to me and I think that —, and the fact that that trailer's been there a long, long time and they meet the legal definition, that's why I asked the staff, they've got the proper documentation. It seems to me that we should approve it. That's —.

Commissioner Rivers said, well, first, Mr. Chairman, I –, you know, I object to that on the background simply because the man was directed to move the trailer, he agreed to move it, but the tree was there and we –, we hopped on staff. Staff didn't move expediently enough, we hopped on them and made them move the tree, and yet the trailer remains.

Chairman Hair said, I'll entertain a motion. Chairman Hair said, all right, Commissioner Rayno and then let's move on.

Commissioner Rayno said, I forgot my question. Go ahead.

Chairman Hair said, I'll entertain a motion. Commissioner Kicklighter said, okay, I've already made the motion and –. Chairman Hair asked, to approve, right? Commissioner Kicklighter said, yes sir, and I will state that, because I'm not a doctor and if a doctor said that your sister has this medical hardship, I don't think that any of us up here have medical degrees. I think –, I'm just sorry that your family has had a string of bad luck so I will –. Chairman Hair said, we have a motion and a second to approve. Commissioner Thomas said, I second it. Chairman Hair said, okay, second, okay. Chairman Hair said, all those in the favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Odell and Gellatly voted in opposition. The motion **failed** by a tie vote of four to four. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion fails, four to four.

Mr. Hansen asked, so what have we got to do? Chairman Hair said, you're going to have to move the trailer. Commissioner Rivers said, of course, Mr. Martin [Jackel] might be back. Commissioner Rayno said, I don't want to go through this –, it's my district, it's my district. Commissioner Rivers asked, it's your district? Commissioner Rayno said, yes. Commissioner Rivers said, okay.

Chairman Hair said, we do have a tie vote because we have one Commissioner out. If you could get it put back on the agenda at some future time, that's a possibility, but that would be up to the –, in case somebody put it on the agenda. Mr. Hansen asked, well, what do we need to do? I mean, I'm at a loss here. I mean, you've got a tie vote and –. Chairman Hair said, a tie vote loses, okay. Mr. Hansen asked, a tie vote loses? Chairman Hair said, the motion fails as a result of tie vote. The motion to approve failed. Mr. Hansen said, I see. Chairman Hair said, so the motion to continue the exemption failed. Okay? Mr. Hansen said, okay. Chairman Hair said, so that's the –. Mr. Hansen asked, so how much –, how much time do we have or what have we got –? Chairman Hair said, the question is, what he's asking now, he's asking a very good question, what does he do now, how long does he have to move the trailer or whatever, you know?

County Attorney Hart said, [inaudible] move it right away. We would give him obviously some reasonable time to make arrangements. Chairman Hair asked, can you look into that and maybe get with him –? County Attorney Hart said, sure. Chairman Hair said, and give him the –. County Attorney Hart said, I'll get Mr. Anderson to talk to him and work out –.

Mr. Hansen asked, well, the thing from the doctor has no –, no bearing on this at all? Chairman Hair said, well, apparently not. Mr. Hansen asked, well, legally we have no case? Chairman Hair said, as I said, if you could get it back up here at some future time when we have all nine present, it might go your way, it might not go your way, I don't know. I can't guarantee one way or the other. That would be the other option you would have.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to untable this item and place it before the Commissioners for consideration. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

Commissioner Kicklighter moved to approve the request to continue the location of a manufactured home for a medical hardship for Elizabeth Johnston, 2413 Norwood Avenue. Commissioners Gellatly and Thomas seconded the motion. Chairman Hair and Commissioners Rivers, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Odell and Gellatly voted in opposition. The motion **failed** by a tie vote of four to four. [NOTE: Commissioner Jackel was not present.]

=====

- * **6. REQUEST BOARD APPROVAL TO WRITE OFF REAL AND PERSONAL PROPERTY TAXES FROM THE 1993 AND 2000 TAX DIGEST WHICH ARE UNDER \$5, FOR A GRAND TOTAL OF 3,658 BILLS IN THE AMOUNT OF \$8,328.98. At meeting of July 27, 2001, item was tabled to meeting of August 10, 2001.**

Chairman Hair said, I'll entertain a motion to take it off the table. Commissioner Rayno said, I'd like to leave it on the table. That's the one you and I talked about earlier. Chairman Hair said, well, staff says it's ready to take off the table. I mean, it's open for decision. Commissioner Rayno said, we don't have to. Take it off the table. Chairman Hair said, all those in favor vote yes –. Do we have a second to untable? Commissioner Thomas asked, take it off? Chairman Hair said, yes, take it off. Commissioner Thomas said, second. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, all right, now, Mr. Powers.

Tax Commissioner Danny Powers said, yes. Basically, what we have here is what we've been doing, I guess, for the last six years. Any bill that we --, a resolution was passed back in '95 to help our office streamline these situations with bills under \$5 where it's not cost-effective, and I think Mr. Rayno tabled it. His direction is basically the value situation. I need to go ahead and get these things written off because the value couldn't be changed and written off regardless. Chairman Hair said, Commissioner Rayno, since you took it off the table, do you want to go ahead --. Tax Commissioner Powers said, I think maybe he wants to address future problems with values. Is that correct? Is that the way I'm reading it? Commissioner Rayno said, no, I think there's a legal issue. When you have a common area it has to legally be listed on the deeds as the number of people owning --. Tax Commissioner Powers said, I don't know anything about that. All I know is that the value was placed and the digest was approved. We've got bills under \$5 and from a cost-effective standpoint in trying to collect these and the people that don't pay and most of them don't, we get all kind of harassment about why are you sending out a bill for 11¢ and 33¢ and those type things. We thought it would be better to come up here and have this resolution passed, which was in --. Chairman Hair said, it just now came to [inaudible]. Tax Commissioner Powers said, and we just [unintelligible comments were made when Tax Commissioner Powers and Chairman Hair were talking at the same time].

County Attorney Hart said, Mr. Chairman, this write-off is primarily designed --, it costs us more to send a bill than it does to write the bill off. Tax Commissioner Powers said, and most of these folks do not return these --. County Attorney Hart said, it's been done generally as an administrative matter, but insofar as what Mr. Rayno is bringing up, I received a letter last week while I was on vacation --. Tax Commissioner Powers said, I think that was something that would be for the Board of Assessors to approve. County Attorney Hart said, it addressed the value issue that Mr. Rayno raised, which will be back on the 24th.

Chairman Hair said, I move for approval. Chairman Hair asked, do we have a second to that? Commissioner Thomas said, I second. Chairman Hair said, we have a second. We have a motion to approve and a second. All those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner Rayno moved to untable this item and place it before the Commissioners for consideration. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

Commissioner Odell moved to approve the request to write off real and personal property taxes from the 1993 and 2000 tax digest which are under \$5, for a grant total of 3,658 bills in the total amount of \$8,328.98. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rivers, Murray, Odell, 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 Jackel was not present.]

=====

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 \$41,000 FROM THE STP-0000-00(538), COASTAL GEORGIA GREENWAY - MULTI-USE TRAILS PROJECT TO THE CITY OF ST. MARYS.

Chairman Hair said, I'll entertain a motion. Motion to approve? No motion. Motion to deny? Anybody want to --. Commissioner Rivers said, Mr. Chair --.

County Manager Abolt said, we're a pass-through agency for multi-use trails, which we've actually supported and you all have endorsed going along Coastal Georgia. We're a pass-through agency for the --.

Chairman Hair said, I don't understand the problem with this. Commissioner Odell said, I'll move for approval. Chairman Hair asked, second. Commissioner Thomas said, second. All those in favor vote yes, opposed vote no.

Commissioner Rayno asked, so it's not using the SPLOST funds at all? County Manager Abolt said, no.

The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved to approve the following: a transfer of \$41,000 from the STP-0000-00(538), Coastal Georgia Greenway - Multi-Use Trails Project to the City of St. Marys. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

=====

2. ACTION PLAN TO DEAL WITH POTENTIAL THREAT OF WEST NILE VIRUS.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Dr. Thomas –, Dr. Hair, Dr. Thomas, gentlemen, we are in the position, I think, to accurately advise you that there's a clear probability that in Chatham County we'll be faced with West Nile Virus. It has come to our attention obviously, as you have, through the media and also through the very close monitoring by Dr. Lewandoski as well as Dr. Weems within the Health Department. The planned action is driven by that very intermediate threat. We are using a source of funds that can be used in situations like this. It deals with emergencies, catastrophic type loss of either perceived or actual. The situation we're facing as a nation, particularly along the eastern seaboard, has been well-documented in the media. The plan of action that Mr. –, Dr. Lewandowski will give you is sensitive to that, and it's in my estimation very justified. We'll give you some alternatives, but from the standpoint of the need, it is perceived by staff and [inaudible] from Dr. Lewandowski and Dr. Weems I think is fitting and justified.

Dr. Henry Lewandowski said, good morning, Dr. Thomas and Commissioners. Today I'm asking you to replace some outdated equipment and obtain two new items that will help us identify and preserve mosquitos for testing for West Nile Virus and the filling of some vacant positions to strengthen our mosquito surveillance and control program. We enter this mosquito season with staffing vacancies. Most critical are six vacancies in two job categories, Mosquito Control Operators essentially on spray truck drivers and Entomology Technicians. The critical functions that have been significantly reduced and pulled are neighborhood spray treatments. We have Chatham County divided into 50 spray areas, and currently we are operating with only two positions that drive the trucks so we're spraying essentially two areas a night. Between April 20th and July 31st we sprayed the 50 areas in Chatham County an average of 3.3 times. If we had had our full compliment of five spray truck drivers, we would have sprayed the 50 areas an average of 7.1 times. So in this regard we have delivered less than half of the service to our residents that was expected. [Inaudible] we are functioning with three Entomology Technicians instead of six. The Entomology Technicians continuously survey Chatham County. They map large targets, the area of treatment, and they hand-treat any smaller targets. After a rain event, because of the development time of mosquitos, we have only about four days to locate and treat all the targets in Chatham County before it's too late and they emerge as adult biting mosquitos. With only three Entomology Technicians we are not able to prevent adult emergency as effectively as we have in the past. So, again, our residents are not receiving service at historic levels. We've had to curtail or reduce a number of other programs and these are outlined for you in the staff report, so I won't go over those again, but I believe these program losses were very, very significant before the impending threat on West Nile Virus and now with the new threat I believe these are losses are even more critical. Our goal is to prevent human cases of West Nile Virus and Eastern Equine Encephalitis in Chatham County. With the additional personnel we will be fully prepared to intensify our efforts at the earliest sign of virus transmission. In Florida just this year, just within the last month, only 17 days separated the first confirmation of West Nile Virus in the first bird and confirmation of the first human case of West Nile Virus. There are a few human cases of West Nile Virus in Madison County, Florida. So it's imperative that at the earliest sign of virus transmission that intensive adult mosquito control efforts begin. Let me say this another way, if and when, and it sounds more like when at this point, when we find our first bird infected with West Nile Virus, we have to work backwards. That bird was already sick for at least a week before it died and then it takes at least another week to test that bird and control the presence of the virus. So, in other words, when we confirm the presence of West Nile Virus in a bird, we have already had an infected mosquito population circulating the virus for a minimum of two weeks. So we believe that with a stronger routine control program of additional trucks and surveillance capacity we could help and possibly prevent or reduce an outbreak of West Nile Virus and most certainly greatly intensify our control efforts as soon as there's any indication of the virus. We have already adapted our program in many, many ways, and this too is outlined in our staff report, but we have also formed a local West Nile Virus Task Force and appointed members of the Chatham County Health Department, our Chatham Emergency Management Agency, Pete Nichols, our Cable Access Coordinator, our local office of the U. S. Fish & Wildlife Office, and our own Mosquito Control Office. We have written S.O.P's for various functions regarding West Nile Virus and we're in the final stages now of putting all these together into one unified plan. So in my opinion we are –, Chatham County is administratively ready to deal with West Nile Virus and [inaudible] to survey and to test the virus, but my opinion is also that Mosquito Control is not totally prepared to control mosquitos if the West Nile Virus is found in Chatham County or if we had a significant rain event that covers all of Chatham County. Commissioner Murray?

Commissioner Murray said, yes, since the area I represent encompasses all of the Islands, the marsh areas where most of the mosquitos will be, how long –, if we approve today these positions from a health and safety standpoint, how long will it be before these people will be in place in order for you to function a hundred percent? Dr. Lewandowski said, sir, we have already anticipated filling these positions earlier in the year and we thought we would be able to do that. We have already interviewed Entomology Technicians. Unfortunately, we were caught up in the budget projections and we have not yet interviewed individuals for the Mosquito Control Operator positions, so if the Entomology Technician candidates are still available, we could ring doors on [inaudible] I would say within about two weeks. It would take between, say, two to

four weeks to bring Mosquito Control Operators on board. Commissioner Murray said, Dr. Thomas, I know he has a presentation and I hate to interrupt him in the middle of it, but I'd like to make a motion that we approve that.

Commissioner Thomas said, Commissioner Gellatly and then Commissioner Kicklighter. Commissioner Odell said, I'll second his motion. Commissioner Thomas said, okay.

Commissioner Gellatly said, I just wanted to make an observation. Right now with this request, we have right this morning a request for 34 additional positions. I doubt seriously that there's enough votes for passing these. We're going to have to make some hard long-term decisions as to which positions throughout this County are going to be filled or not filled, and I think that needs to be done on a hard calculating manner and not on a threat, scare tactic, so -, I'm not saying that you're doing that, but I'm just saying that we're going to have to sit down and determine where these positions that we're not going to fill, where they're going to be and they have to be -, it has to be done fair and equitably so that, number one, that we first of all look out for the safety of our citizens and that we make -, then we make sure that these positions that won't be filled is done in a fair and equitable manner throughout all the positions in this County, and it shouldn't be done with a -, just a manner of influence or threats or things of this nature. You know, some departments have a higher turn-over rate of personnel than others, so you -, we're going to have to give this some considerable thought. The vote's not there for taxes and you've got to have X-number of positions that are going to have to be left empty and I think we're going to have to come to grips with that. Just an observation.

Commissioner Thomas said, okay.

Commissioner Kicklighter said, yes, I know I'll probably be the one that gets bit by a mosquito and get the virus for [inaudible] opposition, but you presented an emergency type situation. Have you considered or sought FEMA's assistance, Federal Emergency Management, government from the Feds, the State? Have you -, you know, if it's an emergency, do we have things in place that can assist us in this?

County Manager Abolt said, because obviously the spread of this involves so many agencies, I don't believe that is an option. I do want to explain for the benefit of the Board. The fund you have is not a slush fund. It's a fund meant for conditions that aren't dissimilar from what you're hearing right now. You'll notice in the staff report from Dr. Lewandowski, we fully realize the tenuous nature that Commissioner Gellatly has testified to and these funds which are emergency are not reoccurring and can be used for the purchase of equipment. We do acknowledge in the staff report and realizing that salaries and benefits required reoccurring funds, these personnel would be hired for one year only. So we're not giving you the type of long-term commitment, but again given our options, and this is not -, and I know Commissioner Gellatly said, we're not attempting to scare or [inaudible]. We just realize that in financial planning for this County there was a fund set aside that in this situation could be used. Your motion today in my estimation does not preclude you from future budget decisions, but it allows you to react in a way in which you would want to react. It also allows you to use monies that are appropriately drawn down for this occasion.

Commissioner Kicklighter asked, so this emergency type fund we have will not affect what we're trying to accomplish in light of what the budget -? County Manager Abolt said, that is correct. You have \$4.3 million set aside for catastrophic loss. Commissioner Kicklighter said, okay, then I'm fine. County Manager Abolt said, you're not affecting any other aspect of the M&O budget. That fund is dipped into very infrequently, thank goodness. Commissioner Kicklighter said, okay.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, so that is a reserve account. These positions that we fill, were they of the positions of the 106 that we're talking about eliminating from the budget? County Manager Abolt said, some we're talking about eliminating, yes sir, but I don't want to carry it beyond the discussion right now, but this could also open up some options for you too. We're using a source of funds that is separate and apart from the task before you in balancing the budget. Commissioner Rayno said, okay. That makes it easier to vote on it because it's a separate account. We [inaudible] only and the statements for the record when you come back next year, it might not be the same situation. You know, it's nonrecurring revenue.

Chairman Hair said, I'll entertain a motion. Commissioner Murray said, it's already made. Chairman Hair said, already made. Okay, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes. Thank you. Dr. Lewandowski said, thank you. County Manager Abolt said, thank you very much.

ACTION OF THE BOARD:

Commissioner Murray moved to approve an appropriation of \$342,010 from the Catastrophic Claims Internal Service Fund to ensure Chatham County's readiness to appropriately respond to the anticipated introduction and potential threat of West Nile Virus. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

=====

**3. BOARD CONSIDERATION OF REQUEST FROM JAN SPILLANE, SPONSOR FOR FUND RAISER EVENT AT 216 JOHNNY MERCER BOULEVARD (DOC & BENNIE'S RESTAURANT) FOR REFUND OF FEES PAID FOR SPECIAL EVENT PERMIT ISSUED FOR AUGUST 5, 2001.
[DISTRICT 4.]**

Chairman Hair recognized Mr. Gregori Anderson.

Mr. Anderson said, yes, thank you, Mr. Chairman. The applicant obtained a special event permit earlier this month to do a fund raiser for a local family. The individual took it upon herself to be the catalyst for this fund raiser and special event at the indicated site. She, as an individual, is not a represented organization and does not have the 501(c)(3) qualifications for having the fee waived for that special event permit. So staff did not have any administrative authority to waive the fee for her, so her request this morning is for the Board to refund the fee.

Chairman Hair asked, how much was the fee? Mr. Anderson said, it's \$110. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I was reading through the agenda items and came across this and the documentation stuff on it. Under the circumstances, an individual is trying to put an individual together to help a family in need. It's \$110. I think the special events fee was \$100 and there's another \$10 charge for something else. I would move that we approve the reimbursement of this -. Commissioner Kicklighter said, second. Commissioner Murray said, if all the funds raised went to this family.

Chairman Hair said, motion and second. All in favor vote yes, opposed vote no.

Commissioner Odell asked, how would we ensure to -, you said that all the funds went to the -. Commissioner Murray said, all the funds have already been collected and were given to this family. I have to take their word for it because I don't have any documentation to show that other than that's what they said happened and was raised for the Perry family.

The motion carried unanimously. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes. Thank you. Thank you for coming.

[Inaudible comment from an unidentified lady in the audience.] Chairman Hair said, thank you.

ACTION OF THE BOARD:

Commissioner Murray moved to approve the request from Jan Spillane, sponsor for a fund raiser event at 216 Johnny Mercer Boulevard (Doc & Bennie's Restaurant), for refund of fees paid in the amount of \$110 for special event permit issued for August 5, 2001, held as a fund raiser to benefit the Gordon Perry Family. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Jackel was not present.]

=====

**4. BOARD CONSIDERATION OF APPEAL FROM MICHAEL DILLON OF 3 WAITE DRIVE FOR RELIEF FROM SEWER BILLING SINCE 1994.
[DISTRICT 4.]**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, this was an appeal that y'all have received that we brought to you now because there is a right of an appeal to the gentlemen making it. We fall short of recommending that you grant it in that there is a certain age to it as well as the justification given we believe is not supportive of a refund.

Chairman Hair asked, anybody here that wants to speak to this issue? I'll entertain a motion. Commissioner Rayno said, Mr. Dillon's here. He might want to speak. Chairman Hair said, okay. Do you want to speak, Mr. Dillon?

Mr. Michael Dillon said, I'm Michael Dillon and I live at 3 Waite Drive, Isle of Hope, and I don't know how it got -, you want to get on this subject, but I have -, I built this house, I was the general contractor in 1989. I went to great lengths to do the proper things to tie into the County sewer system and the cost was considerable and I did have the option, perks tests were good to use a septic tank, but I chose to tie into the system. The system worked fine until we had a lot of rain back in '94, and at that time the system backed up into my house and basically we incurred a tremendous amount of problems from that occurrence. I don't know if you've ever -, can even imagine this kind of an occurrence taking place in your home, but it is a nightmare and even to this day we suffer from effects of that occurrence after all these years. Back in -, the records will show -, you don't have -, your staff report is incomplete in terms of the report -, the file that is -, that goes back to 19 -, late '94, '95. I've discussed this -, even the night it took place I talked to Mr. Black about this and tried to get advise on what to do, so this has been an ongoing problem. I did not pay the sewerage bill during this time period because I was

waiting for the improvements to take place. The County said that they would improve it, they would fix it. The County admitted that, and I have, you know, recommendations that –, correspondence going back and forth between the –, for the City water and sewer system and the County that changes would take place, that improvements would be made. Improvements were made in 1997, I believe. The pump station was improved, but that's the only thing that took place, and that is not directly affecting, I mean, it may affect my system, but in essence, and I met with Mr. Black on this just a couple of months ago again, so this has been an ongoing process. I haven't not been trying to do something here. I've been working on this since 1994. Now finally a couple of months ago I told Mr. Black that –, and the County did offer to put in a –, one of these back-flow preventers, but I had a consensus of plumbers tell me not to put it in because of the problems that take place with it, that it's not a fix, you know, that I could count on because this is a pretty serious matter, and if it wasn't working properly I could have the same situation again, which I was not going to put my family in that position. I did fine advice on my own a couple of months ago that has remedied the situation in my home. The –, and I feel comfortable that this will not take place again because of what I've done. Now, I'm just saying to the County, look, I've taken care of this as best I can. I enjoy where I live, but I feel like that the County, you know, I've had a big expense and all I'm asking is to get the money back that I had to incur during this period. Thank you.

Chairman Hair asked, anybody have any questions? Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I don't have any questions of Mr. Dillon. I talked with him about this and after reading the recommendations and writeup of staff, he is not asking for us to give him a check for \$1800. I think what he is asking, if I'm not mistaken, is to I guess write off the sewerage bill that he's been holding out for that length of time. I know that the writeup says that we should not be liable for it or anything else, but based on everything that I see in it, it shows that the County does have some liability in it. I know that it says that we would be setting a precedent if we do this. You know, we always have either a legal term that the County is exempt from this because of government or we set a precedent or that type thing. My believe is that if we're wrong about something or if we've been involved in it in any way or had any liability in it, we need to make it right and move forward. I would recommend that we write off the sewer bill, he starts paying his bill on time at this point –. Chairman Hair said, make a motion. Commissioner Murray said, and I move that that be done. Chairman Hair asked, second? Commissioner Thomas said, second.

County Manager Abolt said, Mr. Chairman, I would like for you to hear from the attorney. [Inaudible] been said, but there is a very serious precedent you are setting if you allow unilaterally [inaudible] of payment for services received based on a perceived damage, and this type of precedent –, if there's an issue of damage, that can be handled through other means, but if communication goes out to the general user of the water and sewer system and they stop paying –.

Commissioner Murray said, let me withdraw that motion then and make another motion –. Commissioner Thomas said, I'll withdraw my second. Commissioner Murray said, that we do not write off the \$1800 fee, that we give him a check for that amount of his expenses that we had some liability in. County Attorney Hart said, there's no liability on the part of the County. Mr. Dillon said, I beg to differ with that. I had quite a bit of expenses and I haven't really outlined all the expenses that I incurred, including quite a bit of medical injuries that took place, you know, at the time from having to move a lot of furniture real fast at three o'clock in the morning.

Commissioner Kicklighter said, well, sir, excuse me. Chairman Hair said, let's get in order. Commissioner Kicklighter and then Commissioner Rayno. Commissioner Kicklighter said, I want to shorten this down and ask him, and pardon me for the blunt question, but basically what we're saying is here is because you wasn't [sic] satisfied with your sewer, you quit paying it in 1994? Mr. Dillon said, '94, the occurrence took place in '94. What happened was the system backed up into my house through my shower and Jacuzzi. I had about two inches of raw sewage throughout the first floor of my home, the entire first floor. Commissioner Kicklighter said, that's a terrible thing, but –. Mr. Dillon said, now, remember, in 1989 I came to the County and I asked for permission to tie into the sewer system, and I was granted permission with some stipulations that I followed, specific stipulations that cost me a lot of money, and the County Inspections Department stood over my plumber the entire day's process while this took place. I did everything properly to tie into the County system. Commissioner Kicklighter asked, but wouldn't it be proper to pay your bill and then come back later and see, you know –, I mean, that's, you know, if I bought a car and it's not working, I'm not going to stop payment because it's going to get repossessed, I'm going to pay, you know, and then try to get the damages fixed. I just –, I don't think –, I feel sorry for you, really, but that happened. I grew up in a house that flooded, but I would assume my parents still paid the County taxes, and you just can't stop when there's a problem because we're obligated to pay our bills, and again I'm very truly sorry that that happened, but that's not –, that's to me not the American way to stop paying the bills. We're obligated to pay our bills. Mr. Dillon said, Commissioner Kicklighter, I didn't just walk away from this bill. I called the sewer and water department all the way back then and talked to them about it and told them there was a problem and told them that I was negotiating with the County Engineer to get something fixed. So they have had on their file all this time, you know, in the records that there's been a problem with my house. They know about this. They know me, okay. Commissioner Kicklighter asked, so has your sewage been backing up into your house since 1994? Mr. Dillon said, no, because I have taken steps to make sure it hasn't, but the County hasn't done enough to do anything to make sure it hasn't. I did. Chairman Hair said, all right –. Mr. Dillon said, now look, there's another way to look at it. Yes, I could have paid the bill and then I would still be before you asking for some kind of a refund for the same amount. Commissioner Kicklighter said, and that would have been the proper thing to do. Mr. Dillon said, I mean, so you want me to write a check right now for that amount and then you give me a refund? Commissioner Kicklighter said, I believe that would have been the –. Mr. Dillon said, I actually –. Commissioner Kicklighter said, the avenue to go. Mr. Dillon said, I actually asked the staff if –, I asked the staff if that would be the preferred way to do this and they said it wouldn't make any difference.

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

Commissioner Rayno said, I had the same rainstorm in '94 and I have a septic tank and it backed up into my house because the ground didn't perk anymore because the County ditches were all full. Now we could get people from 1994 and all of my neighborhood and say we couldn't flush our toilet and it backed into my house. I didn't ask for any refunds. Now I like you, I know you, but you know this was an act of God. It rained, it flooded –. Mr. Dillon said, no, this was an act of the County doing the proper thing on the sewer system, and it's stated in the files. If you look at the complete files, you'll see that the County admits in the files that –, if you had someone from the County Engineering Department to speak on it, they would show you from the files that the County Engineers would say that the lines were not large enough. They were not large enough from Dutch Island out. The pipes were not large enough. So it wasn't a –, yes, it was an act of God we had a lot of rain, but the system was not built properly to handle the sewage. Commissioner Rayno said, same pipe are still in place and it has not flooded the since. Mr. Dillon said, same pipes are still in place. Commissioner Rayno said, it was an act of God. I [inaudible] 20 years in the plumbing business with my dad and, you know, these things happen and you have to just go with it. Mr. Dillon asked, so you want me to just eat it? Commissioner Rayno said, just like everybody else does. I had a flood in my home and I ate it, \$500. Mr. Dillon said, I don't think that was the right thing to do.

Chairman Hair said, okay, Commissioner Rivers.

Commissioner Rivers said, I wanted to just ask one question. You stated that the County offered a remedy, but you didn't feel comfortable with that. Mr. Dillon said, the remedy was –, it's really not a remedy. It's like an insurance policy where you put in a valve in your own line that is supposed to prevent anything from backing up. It's like a valve, but the consensus of plumbers that I called, and I called four different ones, three out of four said you can do it, but you're going to have to be vigilant about making sure that somebody's always checking it because they do clog up. There are problems with these back-flow preventers. Commissioner Rivers said, you know, I would say that at that point had you accepted that and then you had problems with it, then that would have been due cause to come back and say something to the County because, you know, they've already given you a remedy, you know, you didn't even try. Mr. Dillon said, but it wasn't –, it was not a remedy. I sought, but the experts in the field and they told me not to do it.

Chairman Hair said, okay, Commissioner Murray, you withdrew your earlier motion. Did you want to make a second motion. Commissioner Murray said, I did make a second motion. Chairman Hair asked, did it get a second, the second motion? I don't think that –. Commissioner Murray said, probably not. Chairman Hair said, okay. Anybody else want to make any motion? Commissioner Rayno said, motion to deny.

Commissioner Murray said, I'd just like to make a comment. You know, I was on a septic tank for 22 years, but when I built my house, the plumbers when they did it put an emergency cap on there and every time it flooded I knew the septic tank was going to back up, so I did not have it backing up in my house as Commissioner Rayno did, I just took the cap off and let it go in the yard until it dried out. So, you know, being in the plumber business 20 years, I don't know. Mr. Dillon said, the night I took the cap off of my valve, the raw sewage shot up about six feet into the air. Commissioner Murray said, the Health Department would probably come after me, but I don't own the house anymore, so –.

Chairman Hair said, okay, there's no motion on the floor so –. Commissioner Rayno said, I motion to deny. Commissioner Rivers said, second Chairman Hair said, we've got a motion to deny –. Commissioner Rayno said, yes. Chairman Hair said, and a second. All those in favor of the motion to deny vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Rivers, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion to deny. Commissioner Murray voted in opposition. The motion to deny carried by a vote of seven to one. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner Rayno moved to deny the request from Michael Dillon, 3 Waite Drive, for relief from \$1,876.69 in sewer charges since 1994. Commissioner Rivers seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion to deny. Commissioner Murray voted in opposition. The motion to deny carried by a vote of seven to one. [NOTE: Commissioner Jackel was not present.]

=====

5. APPEAL FOR SUPERIOR COURT ON FILLING VACANT POSITION OF COUNTER CLERK.

Chairman Hair said, Mr. DeLoach is here.

Mr. Danny DeLoach said, this is a critical position, the Counter Clerk's position on the third floor that handles the public and the attorneys. Right now it's unfilled and the supervisor has to bounce back and forth between her office and this –. Chairman Hair asked, this is one that was denied at a previous meeting? Mr. DeLoach said, yes sir.

Chairman Hair asked, any Commissioner want to make any motion? Commissioner Odell said, I'll make a motion to approve. Chairman Hair said, motion to approve. Do we have a second? Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion **failed** by a tie vote of four to four. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion fails.

ACTION OF THE BOARD:

Commissioner Odell moved to approve the request from the Superior Court to waive the hiring freeze and approve filling the vacant position of Counter Clerk. Commissioner Rivers seconded the motion. Chairman Hair and Commissioners Rivers, Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion **failed** by a tie vote of four to four. [NOTE: Commissioner Jackel was not present.]

=====

6. REQUEST FOR WAIVER OF HIRING FREEZE:

- **BUILDING SAFETY AND REGULATORY SERVICES: CODE INSPECTOR I (1 POSITION)**
- **BUILDING SAFETY AND REGULATORY SERVICES: CLERICAL ASSISTANT III (2 POSITIONS)**
- **HUMAN RESOURCES: COMPENSATION AND COMPLIANCE MANAGER (1 POSITION)**
- **LIBRARY: LIBRARY ASSISTANT II (1 POSITION)**
- **LIBRARY: LIBRARY ASSISTANT I (2 POSITIONS)**
- **TAX COMMISSIONER: TAX/TAG PROCESSOR I (3 POSITIONS)**
- **TAX COMMISSIONER: CLERICAL ASSISTANT III (1 POSITION)**
- **SHERIFF: DEPUTY CORRECTIONS OFFICER (12 POSITIONS)**
- **SUPERIOR COURT: JUDICIAL CASE MANAGER (1 POSITION)**

Building Safety and Regulatory Services: Code Inspector I (1 position):

Chairman Hair recognized Mr. Gregori Anderson.

Mr. Anderson said, yes, this position that we're requesting to have filled is based on the vacancy of the individual who retired a couple of weeks ago, and I would like to indicate that development is up in the County and we need to have actually this position and the other two positions filled so that we can continue to process the permits and applications that come in. I'd like to just close by reminding you that our revenue stream for our department is based on regulatory fees and does not have an impact on the budget as it [inaudible].

Chairman Hairsaid, all right, I'll entertain a motion. Let's do them separately since they're on the agenda separately. Code Inspector I. Commissioner Odell said, move for approval. Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Odell, Gellatly and Thomas voted in favor of the motion. Commissioners Rayno, Murray and Kicklighter voted in opposition. The motion was approved by a vote of five to three. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

Building Safety and Regulatory Services: Clerical Assistant III (2 positions):

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

Human Resources: Compensation and Compliance Manager (1 position):

Chairman Hair recognized Mr. Michael Kaigler.

Mr. Kaigler said, Chairman, Dr. Thomas, gentlemen, the Human Resources Department has a small staff. We currently have three vacancies within the department. The results from the management study, his recommendations came back and recommended that the Compensation and Compliance Manager is a position that we need to fill. The area of compensation and compliance is a critical area in Human Resources, and that was one of the functions that the management study thought that we were a little deficient in and we really need to fill that position. The incumbent in that position retired last month, so currently we don't have anybody working in that position and we're asking that we fill this one position and leave the other two vacant.

Chairman Hair said, I'll entertain a motion to approve. Second. Commissioner Odell said, so moved. Chairman Hair asked, do I have a second to that motion to approve? Chairman Hair said, Commissioner Odell made a motion, but it dies for lack of —, is there any second to that? Commissioner Rivers said, I'll second it. Chairman Hair said, second. All those in favor of the motion vote yes, opposed vote no. Commissioner Odell voted in favor of the motion. Chairman Hair and Commissioners Rayno, Rivers, Murray, Gellatly, Kicklighter and Thomas voted in opposition. The motion **failed** by a vote of seven to one. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion fails. Commissioner

Odell said, hey, I got one vote. Chairman Hair said, even your second didn't vote with you. Commissioner Rivers said, I don't have to. Chairman Hair said, that's correct. Commissioner Odell said, thank you, gentlemen. Chairman Hair said, with friends like that, right?

Library: Library Assistant II (1 position) and Library Assistant I (2 positions):

Chairman Hair recognized Mr. Bill Johnson.

Mr. Johnson said, good morning. These and the other two following are three part-time positions involving direct public service. They are all –, they are three of ten positions we currently have vacant. It's a minimal amount to keep us going until things stabilize.

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

Commissioner Murray asked, was that for all of these? Chairman Hair said, yes, that was for the three positions.

Tax Commissioner: Tax/Tag Processor I (3 positions):

Chairman Hair said, you might want to go ahead and address, Mr. Powers, we'll vote on them separately, but you could –.

Commissioner Odell said, I'll move to approve them. Chairman Hair said, motion to approve. Do we have a second. Commissioner Rivers said, second. Chairman Hair said, okay. Mr. Powers do you want to speak?

Tax Commissioner Powers said, well, I would love to. Chairman Hair said, okay. I said speak now, not filibuster. Speak, okay. Tax Commissioner Powers said, I can't promise you that. Chairman Hair said, I understand. That's why I made that statement. Tax Commissioner Powers said, currently I have seven positions open in my department. The study that was done several months back, I guess dates back to a year or so, indicated we need four additional employees to my staff. I knew that was pie in the sky. That would be eleven employees if we were fully staffed. Out of these seven I'm asking for four to be filled. I'm in a critical need. Three of these jobs are in the tag office. We're getting ready to move into a new state of the art facility over on Eisenhower that's going to be not up to capacity. We're not to capacity now. We're moving people all over Chatham County to try to fill vacancies for vacation, illness, that type of thing. The Clerical Assistant III job is downtown. We had a tax sale the other day, we were moving, shuffling people around to cover the front desk for the phone, people coming in. We ended up with a \$100 error the other day because we're just not staffed in several areas, folks. Back in February I met with the Chairman and the County Manager and they said please help us. Do part in your budget to help us attain certain goals for the 2000-2001 budget, and I guess I was a fool. I sat down with these folks and I made that decision to try to help. I immediately cut \$135,000 out of my budget which went out of the 2000-2001 budget and it's out of the new budget that's being proposed. It automatically disappears, okay. I had a salary savings for 2000-2001 of approximately \$300,000. Previously, before this Board came on, I requested up here and had approved any revenue-producing jobs for the County be waived. I filled those jobs accordingly, but I always waited, went through the process. It probably took 90 days to get these jobs filled, and I felt that was the right thing to do to try to help the County in this budget process, and now I'm being penalized. I've got a job to do. I answer to the voters just like you folks do. I rely on you folks to give me the budget process and the people to get my job done. When someone's standing out, just like yesterday, I was out there for a great while yesterday. We, like I said, vacations, illnesses, you're moving people around, you become shorthanded when you're already shorthanded, and when that happens the public starts being –, they run into a problem. There's lines. I had two dealers call me yesterday, you know, because they couldn't get work processed yesterday in a timely manner. So I'm here to ask you to help me out.

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

Tax Commissioner Powers said, well, I want to –, do make another point. Since April 27th you've gone through the budget talks, we're going to freeze jobs and we're going to do this and do that, and I sat back and didn't approach you for any jobs to be filled, and I went back on the past agenda since April 27th. You have filled 36 jobs throughout various departments of the County. I think I should be treated accordingly along those lines.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I'll make a motion to approve and I do so for the following reasons. I think the voters elected Danny [Powers] to do a job, and unfortunately turnovers are not always consistent with where you can make cuts. It would be nice if we could just drop off and there would be absolutely no repercussions for our not filling certain positions. There are some positions you have to fill. I think, too, that Danny [Powers] also has a remedy outside of this Commission. He's constitutionally obligated to perform certain services. If we inhibit his performing those services, then I think he has other remedies, so I move for approval.

Chairman Hair said, we have a motion. Do I have second? Commissioner Rivers said, I'll second. Chairman Hair said, we're talking about Tag Processors. We'll vote on them separately. Tag Processors, three positions. We have a motion and a second to approve. All those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and Murray voted in opposition. The motion was approved by a vote of six to two. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion passes.

Tax Commissioner: Clerical Assistant III (1 position):

Chairman Hair said, now Clerical Assistant III, one position, I'll entertain a motion. Commissioner Odell said, I'll make the motion to approve. Chairman Hair asked, second? No second? Commissioner Rivers said, I'll second it. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion failed by a tie vote of four to four. [NOTE: Commissioner Jackel was not present.] Chairman Hair said, the motion fails.

* * *

Tax Commissioner Powers asked, can I ask for reconsideration on that Clerical III position. Chairman Hair said, only –, no sir, you can't ask for reconsideration. A Commissioner on the prevailing side can ask for reconsideration, but you can't ask for it. Tax Commissioner Powers said, okay. Commissioner Odell said, I was on the losing side. Commissioner Rivers said, I was on the losing side. Chairman Hair said, and that's the only way to get reconsidered is that a Commissioner –. Tax Commissioner Powers said, let me ask the –, I can direct this maybe to Human Resources and the County Manager. Is there a temporary pool in place right now for –. County Manager Abolt said, there is a –. Tax Commissioner Powers said, okay, I guess my remedy then is bring this back up in two weeks. Chairman Hair said, well, it can only be reconsidered by a Commissioner on the prevailing side making a motion to reconsider. Whether it can be brought back up as a new item, Mr. Hart, you'll have to help me out here.

County Attorney Hart said, he can put it back on the agenda and you can make a decision of whether you want to reconsider it.

Chairman Hair said, okay. Thank you.

Commissioner Odell asked, why can't he file a mandamus? Tax Commissioner Powers said, yes, I can –, yes.

Sheriff: Deputy Corrections Officer (12 positions):

Chairman Hair recognized Sheriff Al St. Lawrence.

Sheriff St. Lawrence said, okay, I too worked with the Chairman and the Manager and held positions open and I'm still going to have five positions open. I want you to understand these are officer positions. I'm over capacity by about 300. We're intervening in incidents every day, the guards are. We're getting some criticism from the public about we don't exercise people enough, so forth and so on. I'm here telling you, I have to have these twelve positions. I've got to keep up with 1459 inmates and that's 309 over capacity. I'm doing all I can do. I've still got five positions open. I'm not asking for those today and I've been putting this off because you've been going through a budget process and it's been a lengthy one, but I have got to have these positions today. I don't have a choice.

Chairman Hair said, Commissioner Odell and then Commissioner Gellatly.

Commissioner Odell said, Al [St. Lawrence], it's your decision that we do need those positions? Sheriff St. Lawrence said, right. The Colonel's here, he can –, you know, he manages that part of it, but I can tell you I know of the incidences at staff meetings every morning that goes on in that institution when you're overcrowded by 300, and –. Commissioner Odell asked, are we overcrowded by 300 or 390? Sheriff St. Lawrence said, well, the count Monday morning was 1459; 1150 –, it's a 1224-bed facility, but you've got mental health people, you've got females, and these people have to be separated, so when you get to about 1150, you've got your units pretty well filled. They're, you know, you can't just say, well, I've got 1224 beds, I can use them. You can't mix certain things. The State, you know, is not really taking care of their responsibility as far as mental health is concerned. Jails are becoming institutions for mental health people. Commissioner Odell said, I agree. Sheriff St. Lawrence said, you know, where they ought to be in jail is Reidsville. They don't belong in the jail, but officers arrest them for whatever they do, vagrancy or whatever, and they bring them out to the jail and we've got to keep them because the State won't take them. Commissioner Odell asked, and you have to have a minimum number of people per pod? Sheriff St. Lawrence said, absolutely. Commissioner Odell said, and here's my point. The point is that if we don't fill these positions, you've got to fill them in overtime. Sheriff St. Lawrence said, oh, absolutely. Commissioner Odell said, you just can't let the prisoners go. Sheriff St. Lawrence said, overtime's going through the roof, I can tell you that.

Chairman Hair asked, do you want to make comment?

Sheriff St. Lawrence said, the other thing, the other part of that, to answer your question, it's very difficult for us to get people to just say I want to work overtime because there's so much. They just don't want to do it, that's part of the problem.

Commissioner Odell said, I make a motion to approve the twelve positions. Chairman Hair asked, do we have a second to the motion and then we'll go ahead and continue –? Commissioner Rivers said, I'll second. Chairman Hair said, second. Okay, Colonel, did you want to make a comment?

Colonel McArthur Holmes said, just to reiterate the some of the things the Sheriff said. I have areas that were designed for 52 to [inaudible] inmates and now I've got 114 in there. So I've got to have a staff member inside those areas. It's not like there's a post or a duty that I can not put somebody there. Somebody's got to be there 24 hours a day or we have some serious problems. We are really exhausting our staff by causing them to work overtime because of these shortages and we need, we need those staff.

Commissioner Odell said, you know, Colonel Holmes –. I haven't finished. Chairman Hair said, I know. Commissioner Odell said, I was out there to visit a couple of clients and I came early in the morning and saw a young lady who was at the front, very cheerful, doing I think a good job. I came back afternoon, she's still there. Unfortunately, one of my clients got arrested and I went out there late at night and she's still there. She was there around the clock, and I said, what's going on. I appreciate the fact that you all are short. I know that you're short. Sheriff St. Lawrence said, yes sir. Commissioner Odell said, and that's why I made the motion.

Chairman Hair said, Commissioner Gellatly and then Commissioner Rivers.

Commissioner Gellatly said, just another observation. When we talk about priorities, we're talking about public safety, we're talking about potential life and death situations out there. I commend the Sheriff for sticking his neck out with an overcrowded situation. I hope he doesn't get reacquainted with Judge Edenfield, which is a very real possibility, and these things happen when you're understaffed, and it's very critical that we do this. If we don't, we're going to get someone hurt inside that jail, including the people that work in that jail, and if the Sheriff's put in a position that he can't continue to accept prisoners out there, we're going to get someone hurt on the streets of our community so we can't have that.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, Sheriff, those twelve positions, have they turned over recently? Sheriff St. Lawrence said, no, I–. Commissioner Rivers asked, how long have you had that vacancy of the twelve? Sheriff St. Lawrence said, going back to my meeting with the Chairman and the Manager, I've been holding off on positions. I agreed to hold ten. I'm at right now to seventeen. I've actually got five more positions than what I'm asking for today. You know, and the uncertainty of the budget and the lengthy process that we're going through in putting things off, putting things off, seeing how we're going to come out in the budget, but I just can't continue with putting things off. Commissioner Rivers asked, how long have you had these twelve positions open? Sheriff St. Lawrence said, well, I think at various times, I don't think any one –. [Inaudible] when we get these people, Commissioner Rivers, we've got at least five weeks minimum of training. That means if I hired them two weeks from now, I've got another five weeks I've got to phase before I can put them into the field training officer or had a training within the institution so they'll know what they're doing. They're supposed to, you know, what they've learned in the classroom. Commissioner Rivers said, I'm going to vote to give them to you, but what I want to know from the staff, Mr. Abolt, I want to know the turnover, I want to know the exit results of them exiting, why did they leave. I want to begin to know some of those factors.

Chairman Hair said, I'd like to see the same thing. Sheriff St. Lawrence said, we can give you some answers on that if you want them, but, you know. Chairman Hair said, Mr. Abolt, I'd like the same information.

Commissioner Rayno asked, are these twelve positions the ones that we're talking about in our budget, about the 106 reductions we're going to make in departments? Or is it outside of that? County Manager Abolt said, everything before is a position that we're talking about in the budget. Each time you fill one or don't fill one, the list is modified. We're just not updating your prospective budget proposals, but the reconciliation would come, but if the desire of the Board is when you vote on the budget in two weeks to eliminate currently vacant positions, by that time we will have current what the dollars saved would be based on your actions today.

Commissioner Rivers asked, so in other words, you're telling me these twelve positions are part of that budget deliberation? That's what you're telling me? County Manager Abolt said, all –, any of the proposals that said you either eliminate, freeze, whatever vacant positions, this is part of the universe of the vacant positions.

Chairman Hair said, I think what offsets that though, Commissioner Rivers and Commissioner Rayno, is you've got to also take into account that you have a constant turnover, so it's not like, you know, these twelve positions might be vacant, two weeks from now we might have twelve more –. Commissioner Rivers said, yes. Chairman Hair said, so it's a rolling number. It's not –, it's not a static number.

Commissioner Rivers said, I'm going to –, I'm going to ask Russ [Abolt] to give me twelve because I know he has a –, I know that he has a dire need out there in some areas. It may not be all of them, but I know that he has a dire need in some areas. The thing is that I want you, you all to be cognizant of that once we fill them, hey, they've got to be taken care of.

Chairman Hair said, Commissioner Thomas and then I think we're ready to vote. We've already got a motion and second, motion and second to approve.

Commissioner Thomas said, my question has been answered.

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

Superior Court: Judicial Case Manager (1 position):

Chairman Hair recognized Mr. Danny DeLoach.

Mr. DeLoach said, this is a Case Manager position for Judge Morse that was recently vacated. These are the folks that move the criminal cases through to move the prisoners out of the jail.

Chairman Hair said, I'll entertain a motion. Commissioner Odell said, move for approval. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion failed by a vote of four to three. [NOTE: Commissioners Rivers and Jackel were not present.] Chairman Hair said, the motion fails.

ACTION OF THE BOARD:

- a. Commissioner Odell moved to approve the request to waive the hiring freeze and authorize Human Resources to advertise the following position: Building Safety and Regulatory Services: Code Inspector (1 position). Commissioner Rivers seconded the motion. Chairman Hair and Commissioners Rivers, Odell, Gellatly and Thomas voted in favor of the motion. Commissioners Rayno, Murray and Kicklighter voted in opposition. The motion was approved by a vote of five to three. [NOTE: Commissioner Jackel was not present.]
- b. Commissioner Rivers moved to approve the request to waive the hiring freeze and authorize Human Resources to advertise the following position: Building Safety and Regulatory Services: Clerical Assistant III (2 positions). Commissioner Thomas seconded the motion. Commissioners Rivers, Odell and Thomas voted in favor of the motion. Chairman Hair and Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion **failed** by a vote of five to three. [NOTE: Commissioner Jackel was not present.]
- c. Commissioner Odell moved to approve the waiver of the freeze and authorize the Human Resources to advertise: Human Resources: Compensation and Compliance Manager (1 position). Commissioner Rivers seconded the motion. Commissioner Odell voted in favor of the motion. Chairman Hair and Commissioners Rayno, Rivers, Murray, Gellatly, Kicklighter and Thomas voted in opposition. The motion **failed** by a vote of seven to one. [NOTE: Commissioner Jackel was not present.]
- d. Commissioner Rivers moved to deny the request for waiver of the freeze and authorize the Human Resources to advertise: Library: Library Assistant II (1 position) and Library Assistant I (2 position). Commissioner Murray seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Murray, Kicklighter and Thomas voted in favor of the motion to deny. Commissioners Odell and Gellatly voted in opposition. The motion to **deny** carried by a vote of six to two. [NOTE: Commissioner Jackel was not present.]
- e. Commissioner Odell moved to approve the waiver of the freeze and authorize the Human Resources to advertise: Tax Commissioner: Tax/Tag Processor 1 (3 positions). Commissioner Rivers seconded the motion. Chairman Hair and Commissioners Rivers, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and Murray voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Jackel was not present.]
- f. Commissioner Odell moved to approve the waiver of the freeze and authorize the Human Resources to advertise: Tax Commissioner: Clerical Assistant III (1 position). Commissioner Rivers seconded the motion. Chairman Hair and Commissioners Rivers, Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and Kicklighter voted in opposition. The motion **failed** by a tie vote of four to four. [NOTE: Commissioner Jackel was not present.]
- g. Commissioner Odell moved to approve the waiver of the freeze and authorize the Human Resources to advertise: Sheriff: Deputy Corrections Officer (12 positions). Commissioner Rivers seconded the motion. Chairman Hair and Commissioners Rivers, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and Murray voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Jackel was not present.]
- h. Commissioner Odell moved to approve the waiver of the freeze and authorize the Human Resources to advertise: Superior Court: Judicial Case Manager (1 position). Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Odell and Thomas voted in favor of the motion. Commissioners Rayno, Murray, Gellatly and

Kicklighter voted in opposition. The motion **failed** by a vote of four to three. [Commissioners Rivers and Jackel were not present.]

=====

X. ACTION CALENDAR

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

Chairman Hair said, okay, that takes us to the Action Calendar. Does anybody want to pull anything off the Action Calendar? Okay, if not, I'll entertain --. Commissioner Rayno said, 4. Chairman Hair asked, what? Commissioner Rayno said, 4. Chairman Hair said, oh, I almost got away with it. All right, I'll entertain a motion to approve the balance of the Action --. Commissioner Rayno said, 6. Chairman Hair said, well, get them all at one time, Jeff [Rayno]. Commissioner Rayno said, C, D and E. Chairman Hair said, E. Commissioner Rayno said, and F. Chairman Hair said, C, D, E. Commissioner Rayno said, I have to take Martin's [Jackel] place. Chairman Hair said, yes, you certainly are. You've been sitting close to Martin [Jackel]. F. I'll entertain a motion to approve the balance of the Action Calendar. Commissioner Murray said, so moved. Commissioner Odell said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved to approve Items 1 through 10-M of the Action Calendar except Items 4, 6, 10-C, 10-D, 10-E and 10-F. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

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

=====

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

ACTION OF THE BOARD:

Commissioner Murray moved to approve the minutes of the regular meeting on July 27, 2001, as mailed. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

=====

2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JULY 19 THROUGH AUGUST 1, 2001.

ACTION OF THE BOARD:

Commissioner Murray moved that the Finance Director is authorized to pay claims for the period July 19, 2001, through August 1, 2001, in the amount of \$2,000,369. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

=====

3. REQUEST BOARD APPROVE AN AGREEMENT WITH THE CITY OF SAVANNAH IN THE AMOUNT OF \$373,150 (COUNTY SHARE) FOR UTILITY RELOCATIONS FOR THE STEPHENSON AVENUE WIDENING PROJECT. [DISTRICT 1.]

ACTION OF THE BOARD:

Commissioner Murray moved to approve an agreement with the City of Savannah in the amount of \$373,150 (County share) for utility relocations for the Stephenson Avenue Widening Project. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

=====

- 4. REQUEST BOARD APPROVE AN AGREEMENT WITH THE BAMBOO FARM AND COASTAL GARDENS CENTER FOR REIMBURSEMENT FOR CHANGES REQUESTED BY THE BAMBOO FARM. THE CHANGES WILL REQUIRE ADDITIONAL STORM DRAIN PIPING ESTIMATED TO COST \$6,600. [DISTRICT 7.]**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, just being consistent, I'm against this project so I'm going to vote no so somebody can vote [sic] to approve.

Chairman Hair said, all right, I'll entertain a motion to approve. Commissioner Gellatly said, I'll second.

Commissioner Murray said, I've just got a question. Chairman Hair said, okay, question. Commissioner Murray asked, George [Lynch]? Mr. George Lynch said, yes sir. Commissioner Murray asked, what's so difficult on doing a parking lot. County Manager Abolt said, this is not a George [Lynch] matter. I believe it's Item No. 4, correct? Commissioner Murray said, yes. Mr. Lynch said, yes. County Manager Abolt said, the issue there is in laying out the plans for the improvement of the Bamboo Farms, the operator said don't go in this one particular area because there's an experimental bed, do not disturb it, they'll pick up the \$6,600 in cost to reroute the line.

Chairman Hair said, and they're paying for it. The State's paying for it. Chairman Hair said, okay, I'll entertain a motion to approve. Commissioner Odell said, so moved. Chairman Hair asked, second? Commissioner Gellatly said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Rivers and Jackel were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved to approve an agreement with the Bamboo Farm and Coastal Gardens Center for reimbursement for changes requested by the Bamboo Farm, requiring additional storm drain piping estimated to cost \$6,600. Commissioner Gellatly seconded the motion. Chairman Hair and Commissioners Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Rivers and Jackel were not present.]

=====

- 5. REQUEST BOARD APPROVE AGREEMENTS WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR TRUMAN PARKWAY V FROM ABERCORN TO WHITFIELD; EISENHOWER DRIVE FROM WHITE BLUFF ROAD TO WATERS AVENUE; AND BAY STREET FROM I-516 TO BAY STREET VIADUCT. [DISTRICTS 1, 6, AND 8.]**

ACTION OF THE BOARD:

Commissioner Murray moved to approve agreements with the Georgia Department of Transportation (GDOT) for Truman Parkway V from Abercorn to Whitfield; Eisenhower Drive from White Bluff Road to Waters Avenue; and Bay Street from I-516 to Bay Street Viaduct. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

=====

- 6. REQUEST BOARD DECLARE SURPLUS REMNANT PARCEL 236R OF THE TRUMAN PARKWAY, PHASE 1.**

[DISTRICT 2.]

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno asked, is this guy going to buy the property? County Manager Abolt said, yes. We have to declare it surplus first. This gentleman came to us a few weeks ago saying he wanted to help maintain this. He'd been doing this voluntarily on and off for a number of years, couldn't get resolution as to who owned. This was our intent to try to resolve it and as long as he continues to be willing to do what he's been done --, been doing in the past, hopefully he'll be acceptable to --. Commissioner Rayno said, motion to approve. Commissioner Odell said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

ACTION OF THE BOARD:

Commissioner Rayno moved to declare surplus Remnant Parcel 236R of the Truman Parkway, Phase 1. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

=====

- 7. REQUEST BOARD APPROVE AMENDMENT #1 TO THE AGREEMENT BETWEEN CITY OF POOLER AND CHATHAM COUNTY FOR RELOCATION OF WATER LINES AND A FORCE MAIN IN THE AMOUNT OF \$10,571 FOR THE CONSTRUCTION OF POOLER PARKWAY, PHASE 2.**

ACTION OF THE BOARD:

Commissioner Murray moved to approve Amendment #1 to the agreement between the City of Pooler and Chatham County for relocation of water lines and a force main in the amount of \$10,571 for the construction of Pooler Parkway, Phase 2. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

=====

- 8. REQUEST FROM TAX COMMISSIONER FOR BOARD APPROVAL OF QUITCLAIM DEED.**

ACTION OF THE BOARD:

Commissioner Murray moved to authorize the execution of the following quitclaim deed upon which delinquent taxes have been paid: Samuel & Thelma Jones Scott, PIN 20066-35005, \$26.18. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

=====

- 9. REQUEST BOARD AUTHORIZE THE CHAIRMAN TO ACCEPT A LOCAL LAW ENFORCEMENT BLOCK GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE IN THE AMOUNT OF \$73,402, TO AUTHORIZE THE USE OF \$8,160 FROM THE FY 2002 SPECIAL SERVICE DISTRICT CONTINGENCY BUDGET WHEN APPROVED.**

ACTION OF THE BOARD:

Commissioner Murray moved to authorize the Chairman to accept a local Law Enforcement Block Grant from the Bureau of Justice Assistance in the amount of \$73,402; to authorize the use of \$8,160 from the FY2002 Special Service District Contingency Budget when approved; to approve the selection of Lori Brady, a member of the Savannah/Chatham Board of Public Education, Daniel E. Deloach, Superior Court Administrator, Michael Dennard, Assistant District Attorney, Rick Pryor, a member of the Board of Directors for the Citizen's Crime Commission, and Chief Thomas C. Sprague, or their designee, as an Advisory Board with the mandate to make a non-binding recommendation to the Board of Commissioners regarding the use of funds received from the Grant Program, and to schedule a public hearing regarding the proposed use of the Block Grant funds where the Advisory Board's recommendation will be received on September 7, 2001. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

=====

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Annual software license agreement and maintenance contracts	I.C.S.	Sungard Pentamation (sole source)	\$45,969.20	General Fund/M&O - I.C.S.
B. Annual maintenance for the County portion of the 800MHz communication system	I.C.S.	Motorola Communications (sole source)	\$181,650.15	General Fund/M&O - Communication
C. Change Order No.1 to the annual contract to provide fixed unit pricing on high demand service and civilian uniform items on an "as needed" basis to recognize a manufacturer imposed price increase	Sheriff	Frank's Uniforms	Varies by item	•General Fund/M&O - Sheriff •General Fund/M&O - Detention Center
D. Final renewal option to the annual contract to provide laser printer cartridge service and recognize a manufacturer imposed price increase	Various	Entré Computer Center (MBE)	Varies by item	•General Fund/M&O - Various •SSD - Various
E. Change Order No. 1 to the annual contract to provide oils and lubricants to recognize a manufacturer imposed price increase	Fleet Operations	Barrett Oil Distributors, Inc.	Varies by item	General Fund/M&O - Fleet Operations
F. Final renewal option to annual contract to provide cellular telephone service	Various	Alltel Communications	Varies by item	•General Fund/M&O - Various •SSD - Various
G. Final renewal option to annual contract to provide and service portable toilets	•Parks and Recreation •Solid Waste	Waste Management of Savannah	\$27,817.20	•General Fund/M&O - Parks and Recreation •Solid Waste
H. Final renewal option to annual contract to provide water and well test sampling analysis for various landfills	Solid Waste	Advanced Environmental Management, Inc.	\$33,000	Solid Waste Management
I. First renewal option to annual contract to provide an assessment and intervention program for minor sex offenders as referred by Juvenile Court	Juvenile Court	Family Reconstruction/ S.O.A.P.	Reduced amount not to exceed \$11,000	Multiple Grant Fund - Children Youth Coordinating Council Grant
J. Inter-agency agreement to provide mediation and conflict resolution to offenders and families as referred by Juvenile Court	Juvenile Court	Chatham County Office of Alternative Dispute Resolution	Not to exceed \$20,000	Multiple Grant Fund - Children Youth Coordinating Council Grant
K. Change Order No. 1 to the contract for the Bamboo Farm & Coastal Gardens Paving Improvement project for additional work and material to provide a stable base for drainage pipe	SPLOST	A.D. Williams Construction	\$12,000	SPLOST (1993-1998), Bamboo Farm/Coastal Gardens
L. Contract to construct two water ferry dock entrance shelters	SPLOST	E & D Coatings	\$58,420	SPLOST (1993-1998) - Inland Ferry Docks
M. First renewal option to annual contract to provide a Day Reporting Center for youths referred by Juvenile Court	Juvenile Court	Chatham-Savannah Youth Futures Authority	Not to exceed \$17,000 per year.	Multiple Grant Fund- Children Youth Coordinating Council Grant

As to Items 10-A through 10-M, except Items 10-C, 10-D, 10-E and 10-F:

Commissioner Murray moved to approve Items 10-A through 10-M, except Items 10-C, 10-D, 10-E and 10-F. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]

As to Items 10-C, 10-D and 10-E:

- C. Change Order No. 1 to the annual contract to provide fixed unit pricing on high demand service and civilian uniform items on an "as needed" basis to recognize a manufacturer imposed price increase; Department: Sheriff; Source: Frank's Uniforms; Amount: Varies by item; Funding: General Fund/M&O - Sheriff, General Fund/M&O - Detention Center.**
- D. Final renewal option to annual contract to provide laser printer cartridge service and recognize a manufacturer imposed price increase; Department: Various; Source: Entré Computer Center (MBE); Amount: Varies by item; Funding: General Fund/M&O - Various, SSD - Various.**
- E. Change Order No. 1 to the annual contract to provide oils and lubricants to recognize a manufacturer imposed price increase; Department: Fleet Operations; Source: Barrett Oil Distributors, Inc.; Amount: Varies by item; Funding: General Fund/M&O - Fleet Operations.**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I have a conceptual problem with the fact that we have a contract with all these agencies and yet every time there's a manufacturer increase we have to suck up the difference and pay for it. It seems to me when you sign a contract, you sign at a fixed price. If that's a problem and we can't change that, I'm not sure why when we buy these things all the time, we shouldn't just go directly to the wholesaler and get rid of the middle man completely and save a lot of money.

Chairman Hair asked, are you making a statement or asking a question? Commissioner Rayno said, well, both. Chairman Hair recognized Mr. George Lynch.

Mr. Lynch said, we have a situation, sir, where in many commodities there are going to be in all probability some increase. In the best of good faith, neither the distributor nor the direct vendor can forecast when, if or how much. We have found that if when someone comes to you with proof of a manufacturer's price increase, you consider it, but you can't get defensive bidding where folks bid high in trying to second guess what's going to occur. We feel in the long run this gives us frankly less expense than when you have folks who are bidding on something they don't control and try to crank in a factor to protect themselves.

Commissioner Rayno asked, there's never been an effort to buy wholesale as opposed to through a middle man? Mr. Lynch said, well, we do, sir, whenever we can. If that —, through the State contract, through things of that nature, but in a lot of cases you just flat don't have the option of going to a manufacturer or a large [inaudible] carrier. Commissioner Rayno asked, even with the computer items? Mr. Lynch said, yes, that's correct, sir. In other words, could we go to —, directly to a manufacturer, say, to HP on printers? The answer is no. They simply do not deal with individuals on supply items. No, we do where there is an advantage. It's the reason we use the State contract wherever we can. Commissioner Rayno asked, there's no way to call yourself a reseller then and get the discounted price? Mr. Lynch said, sir, I've got to admit, I've never tried to claim us to be a reseller. Commissioner Rayno asked, would it be something you can look into? Mr. Lynch said, yes sir, we'll look into anything on that. I'm going to probably ask the assistance of the County Attorney to make sure I don't put us in a position, you know, we don't want to be in.

Chairman Hair said, I think it can be looked into. I don't think we qualify as a reseller, but we could —. Mr. Lynch said, sure, we'll look into it. Chairman Hair said, it's probably doubtful.

Commissioner Rayno said, okay, somebody make a motion to approve. Chairman Hair said, all right, I'll entertain a motion to approve the three items. Commissioner Rayno said, yes, go ahead. Chairman Hair asked, second? Do I have a second? Commissioner Kicklighter said, second. The Clerk asked, who made the motion. Chairman Hair said, Commissioner Rayno. Commissioner Rayno said, I said somebody make a motion. I'm going to vote against it.

Chairman Hair said, I need a motion to approve. Commissioner Thomas said, I'll do it. Commissioner Kicklighter said, second. Chairman Hair said, second, okay. Dr. Thomas and Commissioner Kicklighter. Okay, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and Murray voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Rivers and Jackel were not present.] Chairman Hair said, the motion passes.

As to Item 10-F:

- F. Final renewal option to annual contract to provide cellular telephone service; Department: Various; Source: Alltel Communications; Amount: Varies by item; Funding: General Fund/M&O - Various, SSD - Various.**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I wasn't here in 1999 so I don't know what the original contract price was and it wasn't listed in the background information so I feel like if I approve this today, it would be kind of like signing a blank check.

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

ACTION OF THE BOARD:

1. Commissioner Murray moved to approve Items 10-A through 10-M, except Items 10-C, 10-D, 10-E and 10-F. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Jackel were not present.]
2. Commissioner Thomas moved to approve Items 10-C, 10-D and 10-E. Commissioner Gellatly seconded the motion. Chairman Hair and Commissioners Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and Murray voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Rivers and Jackel were not present.]
3. Commissioner Odell moved to approve Item 10-F. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Rivers and Jackel were not present.]

=====

XI. FIRST READINGS

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

1. **AMENDMENT TO THE CHATHAM COUNTY ORDINANCE CHAPTER 17, ARTICLE 1, SECTION 17-112, BAR CARDS BY STRIKING SECTION 17-112 IN ITS ENTIRETY AND ADOPTING A NEW SECTION 17-112 ENTITLED PHOTOGRAPH IDENTIFICATION OF EMPLOYEES.**

ACTION OF THE BOARD:

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

=====

2. **AMENDMENT TO THE CHATHAM COUNTY PERSONNEL ORDINANCE AND PROCEDURES MANUAL, ADDING IN THE ORDINANCE, SECTION V-8.0, ELECTRONIC MAIL (E-MAIL) AND INTERNET USE POLICY AND IN THE PROCEDURES MANUAL, ARTICLE III - 111.0, ELECTRONIC MAIL (E-MAIL) AND INTERNET USE POLICY.**

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

Commissioner Rayno said, I'm sorry, Chairman Hair, I've got something I want to say about this. Just in memory of Martin [Jackel], but under Procedure, Subsection (b), right at the end, where it says abuse of computer and its associated resources for personal use may be subject to disciplinary actions, I would hope that we could make that stronger language and continue it by saying may be subject to disciplinary actions including possible dismissal.

Chairman Hair said, okay, we'll take that into consideration. Okay –.

Commissioner Rayno said, and then one other thing. On the part where it says employees shall not download, install or use unauthorized software, I think we could also add nor shall employees install County programs without consent on their home computers. Could that be added? County Attorney Hart said, sure.

ACTION OF THE BOARD:

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

=====

XII. SECOND READINGS

None.

=====

XIII. INFORMATION CALENDAR

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

ACTION OF THE BOARD:

Written report received as information.

=====

- 2. UPDATE ON THE MEMORIAL STADIUM NEW ELECTRIC MULTI-USE SCOREBOARD.

County Manager Abolt said, just as a note on your Information Items [inaudible] has been very successful. We've had a donation of a very handsome scoreboard at Memorial Stadium which will be debuted tonight at 6:30. Chairman Hair said, okay, thank you.

Mr. Jim Golden said, it will be my pleasure to have you there at 6:30.

ACTION OF THE BOARD:

A written report was received as information.

=====

EXECUTIVE SESSION

Upon motion being made by Commissioner Rivers, seconded by Commissioner Thomas and unanimously approved, the Board recessed at 11:15 a.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 11:35 a.m.

=====

ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

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

=====

APPOINTMENTS

- 1. **CHATHAM-SAVANNAH AUTHORITY FOR THE HOMELESS
HISTORIC PRESERVATION ADVISORY COUNCIL
AGING SERVICES ADVISORY COUNCIL
ZONING BOARD OF APPEALS
SOUTHEAST COASTAL REGIONAL BOARD
COASTAL AREA DISTRICT DEVELOPMENT AUTHORITY (CADDA)**

ACTION OF THE BOARD:

Commissioner Murray moved to approve the following appointments: Chatham-Savannah Authority for the Homeless Ms. Carole Beason to fill the vacancy created by the expiration of the term of Ms. Karen Sachs, which term will expire June 9, 2003; Historic Preservation Advisory Council - Mr. Ralph Price; Aging Services Advisory Council - Dr. Paul Jurgensen, which term will expire June 30, 2004; Zoning Board of Appeals - Jimmy Watford, to fill the vacancy created by the resignation of Gary Gephardt, which term will expire August 1, 2006; Southeast Coastal Regional Board - Ms. Patricia Neither, which term will expire July 31, 2004; and Coastal Area District Development Authority (CADDA) - Submit the names of Frank Wooten (incumbent), Charles Robert Davis, Jr., and Patricia Thompson. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Jackel and Odell were not present.]

=====

- 2. **GEORGIA INTERNATIONAL MARITIME & TRADE CENTER AUTHORITY**

ACTION OF THE BOARD:

Commissioner Rivers moved to appoint Dr. Billy B. Hair to serve on the Georgia International Maritime & Trade Center Authority to fill the vacancy created by the expiration of the term of Patrick Shay on May 1, 2001, which term will expire May 1, 2004. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Jackel and Odell were not present; Chairman Hair recused himself from voting.]

=====

ADJOURNMENT

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 11:38 a.m.

=====

APPROVED: THIS _____ DAY OF _____, 2001

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

SYBIL E. TILLMAN, COUNTY CLERK