

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, NOVEMBER 16, 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, November 16, 2001.

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**II. INVOCATION**

Mr. Van Johnson gave the invocation.

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**III. PLEDGE OF ALLEGIANCE**

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

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**IV. ROLL CALL**

The Clerk called the roll. [NOTE: District Three currently is without a representative.]

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  
David M. Gellatly, District Six  
B. Dean Kicklighter, District Seven

ABSENT: Harris Odell, Jr., District Five

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

County Manager Abolt said, Commissioner Odell called and said that he would not be able to attend the meeting because he's in a hearing and "the Judge just doesn't care about the County."

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. CHECK FROM STATE FOR INDIGENT DEFENSE (DANNY DELOACH).**

Chairman Hair said, Mr. Danny DeLoach is here, I'll recognize him.

Mr. DeLoach said, Dr. Hair, Dr. Thomas, gentlemen, it's always a pleasure to come over and give rather than to be asking, so today I have a check on behalf of the Superior Court Judges and the Georgia Indigent Defense Council for \$109,234.45 from the State to go towards the indigent defense.

Chairman Hair said, thank you. We always like extra money, Mr. DeLoach. Thanks for the good job. Mr. DeLoach said, yes sir.

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

Chairman Hair said, under the Commissioners' [sic] Items I'd like to add two this morning. One is a motion to execute an affidavit on the Executive Session of the previous meeting that the Clerk needs to add and I want to make one quick comment about the police consolidation issue. So, does anybody have any objections to adding those two? Okay.

### **1. DMV SITE.**

Chairman Hair said, the first item under my section deals with the Department of Motor Vehicles site. Most of you are aware of this issue. That site has been moved to Effingham with the main facility. The County Manager and myself have been in negotiations with the Department of Motor Vehicles for some time now. I had a lengthy meeting Wednesday night with the Department of Motor Vehicles, the Chief of that, Mr. Burgess, and his staff. I think we've worked out a very good compromise that will allow us to keep a license bureau here in Chatham County for the benefit of our citizens so they don't have to drive to Effingham to get their licenses renewed. Mr. Burgess has been very, very cooperative and has agreed to staff this facility at its maximum level and the only thing that it would require us to do is to complete the build out of the facility on Eisenhower and Waters and with the pledge from our local delegation that would be reimbursed by the State for that cost. Mr. Burgess brought with him to our meeting on Wednesday night his legislative director, which I thought was a very good point. He pledged, along with his legislative director, that they would also assist us in January in a push to get that money reimbursed, and so I feel like this is a very good compromise. We can go ahead and begin the build out of the facility so that we can get that up and running as quickly as possible. There would be no cost to the County once we get reimbursed because all of the staffing would be done by the State Department of Motor Vehicles. So I would just really ask for concurrence. If anybody has some questions, I'll be glad to try to answer them, but Russ [Abolt] has meet with David Persaud, and he's issued a staff report that was in your packets last night, and they have no problems with the financing of it. So I would ask for a motion that we would proceed. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I move that we proceed forward with this. Chairman Hair asked, second? Commissioner Gellatly said, second. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District 3 was not represented.] Chairman Hair said, the motion passes. Commissioner Murray said, I just hope we get reimbursed quicker than we did on the Trade Center. Chairman Hair said, well, I was -, as I mentioned earlier, I was very pleased that Mr. Burgess had brought Laura Jones with him and she -, that's what her job is in the Department is to make sure they deal with legislature, deal with funding issues, and I feel very confident that with their help and the help of our own delegation, which has also pledged unanimously to help us with this, particularly Senator Thomas and Mr. Jackson.

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

Commissioner Murray moved that the County move forward with the build-out of a facility for the Department of Motor Vehicles for the issuance of driver's licenses to be located at Eisenhower and Waters with the funding to be fully reimbursed by the State of Georgia and the building would be staffed by the State of Georgia. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District 3 was not represented.]

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### **2. AUTHORIZATION FOR CHAIRMAN TO EXECUTE AFFIDAVIT RE: EXECUTIVE SESSION HELD ON NOVEMBER 14, 2001.**

Chairman Hair said, well the next is I need a motion to execute an affidavit for the Executive Session held on November 14, 2001, was held in compliance with the Open Meetings Law. Commissioner Rayno said, so moved. Chairman Hair asked, second? Commissioner Gellatly said, second. Chairman Hair said, all those in favor vote yes, opposed vote no.

The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District 3 was represented.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Rayno moved to authorize the Chairman to execute an affidavit that the Executive Session on Wednesday, November 14, 2001, was held in compliance with the Open Meetings Law. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District 3 was not represented.]

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**3. POLICE CONSOLIDATION ISSUE.**

Chairman Hair said, the third thing is just a brief comment. You know, most of you are aware that last Friday we were sent a document that dealt with the study of the consolidation of the County police and the City police. I've already discussed my concerns with Mr. Abolt. I think the product --, I've always been an advocate of consolidation and I think we need to move forward with studying possible consolidation. I do think the process could have been handled a little differently. I think we could have been informed a little sooner than we were in the process and that was my only concern. As I said, I've stated it to Mr. Abolt, but I don't think that the concerns should in any way affect the potential benefits to the citizens of consolidation so I'm very supportive of the concept, but I do think that it could have been handled a little differently. Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, to you and the Board I certainly want to extend my apologizes for any problem we did create. I certainly learned my lesson. If it's necessary to apologize to the Mayor and Aldermen, I will also do that.

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

Commissioner Murray said, yes, other than the way it was presented, I --, I read through that and representing a mostly unincorporated district, other than Tybee, and where the police protection affects us completely with the Chatham County Police Department, I think it's a well-planned process and I would like to see us go forward through that and see what the end results are. I think that it could really benefit the people in the unincorporated area with police protection from what I've read so far in the report that we got.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I just want to state for the record for the people living in my district as well as Tybee Island and Thunderbolt that this study does not involve any of the other municipalities other than the City of Savannah. All the smaller municipalities will keep their current police departments as they want. Chairman Hair said, it does not involve, to my understanding, that it does not involve that. Commissioner Kicklighter said, that's what I want to make clear to the public that they're not involved, the other municipalities are not involved in this.

Chairman Hair said, okay, thank you.

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**VII. COMMISSIONERS' ITEMS**

None.

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**YOUTH COMMISSIONERS**

Chairman Hair said, I'd like to introduce our Youth Commissioners who are with us this morning. We have Ms. Niavona Daniels, who's a Junior at Beach High School, representing the Upward Bound Program; we have Mr. Frank Frazier, who is a Senior at Johnson High School, representing the Upward Bound Program; and we have Ms. Alicia Green, who's

a Sophomore at Savannah Arts Academy. We're glad y'all are here this morning and as we go through the process, if you'd like to make a comment or ask a question, raise your hand and I'll recognize you. We're glad you're here.

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## VIII. TABLED/POSTPONED ITEMS

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

1. **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 for consideration by the Commissioners.

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Note: At the meeting of October 5, 2001, Second Reading items 2 and 3 were continued to the meeting of December 7, 2001.

2. **REPORT ON SUBSEQUENT ACTION TAKEN BY THE PLANNING COMMISSION REGARDING MPC FILE NO. Z-010612-37306-1 (REFERENCE FILE NO. 98-12425-C), PETITIONER, JAMES B. BLACKBURN, JR., AGENT FOR OWNERS HOMER CURTIS JENKINS, III, AND MARVIN C. JENKINS.**

– OR –

3. **THE PETITIONER, JAMES B. BLACKBURN, JR., AGENT FOR OWNERS HOMER CURTIS JENKINS, III, AND MARVIN C. JENKINS, IS REQUESTING THAT A PORTION OF A LOT SHOWN ON THE COUNTY TAX MAPS AS A 0.3 ACRE PARCEL LOCATED ON WHITEMARSH ISLAND AT 1032 OLD OATLAND ISLAND ROAD AND A PORTION OF AN ADJOINING 0.7 ACRE UNDEVELOPED PARCEL BE REZONED FROM AN R-1 (ONE-FAMILY RESIDENTIAL) ZONING CLASSIFICATION TO A P-B-N (PLANNED NEIGHBORHOOD BUSINESS) CLASSIFICATION TO ESTABLISH AN OFFICE, RESTAURANT OR RETAIL STORE. THE MPC DID NOT SUBMIT A REPORT WITHIN A 30 DAY PERIOD FROM THE DATE THAT THIS PETITION WAS SUBMITTED AND, IN ACCORDANCE WITH SECTION 11-2.6 OF THE CHATHAM COUNTY ZONING ORDINANCE, IS DEEMED TO HAVE APPROVED THE REQUESTED CHANGE.  
MPC FILE NO. Z-010612-37306-1 (REFERENCE FILE NO. 98-12425-C)  
[DISTRICT 4.]**

### ACTION OF THE BOARD:

Items 2 and 3 will be placed before the Commissioners for consideration on December 7, 2001.

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- \* 4. **APPROVAL OF F-2 REAPPORTIONMENT PROPOSAL (COMMISSIONER KICKLIGHTER).** At meeting of October 5, 2001, item was continued to meeting of October 19, 2001. At meeting of October 19, 2001, item was tabled until meeting of November 2, 2001. At meeting of November 2, 2001, item was untabled. Motion to approve the F-2 reapportionment proposal carried unanimously. Commissioner Rivers requested reconsideration at meeting of November 16, 2001.

Chairman Hair said, the way this works is if anyone would like to take it off the table to reconsider it, they have the right to request that. Since you made the motion, Mr. Rivers, do you want to take it off the table. Commissioner Rivers said, yes. Chairman Hair said, you made the request, okay. We do not need –, it does not require a vote. County Attorney

Hart said, no sir, it doesn't. Chairman Hair said, all we need is to take it off so at this time I'll recognize Commissioner Rivers.

Commissioner Rivers said, Mr. Newton. Mr. Newton? Mr. Milton Newton said, yes sir. Commissioner Rivers said, at the last meeting of the reapportionment I requested that that meeting be cancelled because the Chairman was going to be out of town, I was going to be out of town, and Commissioner Thomas was going to be out. I checked with Gail [Gordon] and she said she spoke with you with reference to that. Mr. Newton said, I don't recall getting a request a request to cancel the meeting. Maybe just for clarity, it was not a MPC-originated meeting. It was a School Board and County Commission meeting. Commissioner Rivers said, but you –, but you conducted it. Am I correct? Mr. Newton said, we hosted it, yes sir, in our facility. Commissioner Rivers asked, and you're saying to me now that you did not get that message? Mr. Newton said, no sir. Commissioner Rivers said, okay. Mr. Newton said, I got the message that you were going to be out of town, but I did not get a request that the meeting be cancelled. Commissioner Rivers asked, you knew the Chairman was going to be out of town and he chairs it, right? Mr. Newton said, he is co-chair of the meeting, yes sir. Commissioner Rivers asked, and you knew that Commissioner Thomas was not going to be there? How many Commissioners were there at that meeting that made the decision? Mr. Newton said, I believe that there were two, two County Commissioners at that meeting. Commissioner Rivers said, then what you're telling me now that two County Commissioners speak for nine County Commissioners in redrawing the map that distorts or configures –, reconfigures the districts, and that's all right? Mr. Newton said, no sir. All I'm saying is that staff –, it was not a staff meeting, it was Board meeting and staff felt inappropriate to have cancelled a County Commission meeting. Commissioner Rivers said, okay. Thank you. Mr. Chairman, I want it to go on record that I oppose the F-2 map on the grounds that there were only two Commissioners there to reconfigure those maps. In spite of the fact that we might have been to other meetings, the final decision was to be made and the final decision should have been made when everybody had ample opportunity to review those maps and make a decision on those maps. So I want it on record so that when it comes back I'll be able to deal with it.

Chairman Hair said, in –, not in Mr. Newton's defense because he doesn't need me to defend him, but I did not make a request to delay the meeting. If it was –, if any correspondence trans –, it was sent you said from the Administrative Assistant to Mr. Newton. No request was made to me to request the meeting be delayed, and I do think Mr. Newton is correct in that really it was the School Board's and Commission's meeting, it really wasn't his meeting. He was there basically as a staff person to provide information. I just wanted to clarify that. Commissioner Rivers said, but Mr. Chairman, I don't want to go through that because then it gets into a thing with staff and me telling staff to tell you that we were going to be gone and to have that meeting cancelled when you were not around, so I wanted to make sure that got to him.

Chairman Hair said, Dr. Thomas and then Commissioner Kicklighter. Commissioner Rayno said, I would like to to, Mr. Chairman. Chairman Hair said, okay.

Commissioner Thomas said, thank you, Mr. Chairman. I, too, am in awe of the decision that was made inasmuch as we were out of town. Just before leaving to go out of town I just happened to run into Dr. Johnson from the Board of Education. In that we were having on a meeting on Monday or whatever day it was, and I said are you aware of the fact that there will be Commissioners who will not be at that meeting because we were leaving really that afternoon, or at least I was leaving that afternoon, which was on a Friday, and he said, oh, we were not aware. He said –, and he got on the phone and he called someone and –, to let them know that we were not going to be there and he said we should not have this meeting, and I said I would hope that they would cancel this meeting so that it would give us an opportunity to be there to voice our opinion about it. But anyway inasmuch as the meeting did go on I, too, feel that I did not have an opportunity to give my input on this decision, and I want to go on record as opposing it on those grounds and some other grounds because the configuration does not represent the district that I represent.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. Commissioner Kicklighter asked, Mr. Newton, when does the approval of this plan have to be in the mail in order to avoid the State of Georgia to redistrict this County? Today? Mr. Newton said, the proposal has to be to the Legislature prior to January 1<sup>st</sup>. Commissioner Kicklighter said, okay, but the cutoff for the mail was today if I remember correct. Mr. Newton said, well, the –. Commissioner Kicklighter said, to actually be in the mail. Mr. Newton said, no. That date was selected I think by the group as a goal to try to have it at a timely manner. Commissioner Kicklighter said, okay. Mr. Newton said, but it's not a legal deadline. Commissioner Kicklighter said, okay, well that was the group's goal back when everyone from this, or the majority of this Commission attended as well as a majority of the Board of Education. Mr. Newton said, right, to give time for –, to make sure that there's ample time to debate and what not. Commissioner Kicklighter said, okay. Thank you. That's all I have for you. Mr. Chairman, I'd like for everyone to bear with me here while I go back to the minutes from our meeting on October 19<sup>th</sup>. This was ample time –, this was four weeks ago and now we're hearing about all of this now. There were no meetings called. I respect the opinions of my fellow Commissioners, but they had ample opportunity to call a meeting to discuss this to find a better plan if they did not approve this. From the minutes of October 19<sup>th</sup>, I stated: "We're a group that likes to wait to the last minute and just jump in at the last minute and stir it all up. Why can't we plan around here? Why can't we actually plan? When are –, are we going to table it again and then just look at it the day before or are we going to actually have a meeting with the Board of Education? I mean, what are we going to do? We tabled the last time. Where were the people looking? Where was the meetings? What went on? Are we going to table and do nothing and just come back and carry on this conversation next time kind of like we did the budget?" And I went on to say, "[I]t's

probably a 90% chance there won't be a meeting. We'll sit right here next time and do whatever with no input." That was four weeks ago. My only mistake in that comment was there was a 100% chance because we had no meeting, and here we sit at the last minute all of sudden with these objections, just like I stated four weeks ago. Anyone on this Commission could have called a meeting, made a motion, had ample time to get something together where we could sit down to discuss this if there were alternative plans, but they didn't. So let's, like I asked before, let's just approve this once and for all –. Commissioner Rivers said, Mr. Chairman. Commissioner Kicklighter said, send it off, send it off, do like we should have done four weeks ago and move this thing forward. And as far as just two Commissioners making the decision, that's –, that's a –, that's not exactly correct. The majority of the Board of Education was there along with –. Commissioner Rivers said, Commissioners I said. Commissioner Kicklighter said, I didn't interrupt you and I'd appreciate the same. The majority of the Board of Education was there with Commissioner Gellatly and myself and, you know, yes, we said that we would bring this back to you. No, we could not make the decision for the entire Commission, but we brought it back to you for your review and discussion and no one here seemed to want to discuss it until the last minute, and that was four weeks ago when we went through this and he made a long great discussion on it, and no one took action. Just like I predicted a 90% chance, no one took action, and here we sit four weeks later complaining about it. Let's move on and do the right thing and just pass it like we should have done four weeks ago.

Chairman Hair said, Commissioner Rayno and then Dr. Thomas. Let's stay in order please. Commissioner Rayno and Dr. Thomas.

Commissioner Rayno said, thank you, Mr. Chairman. I just wanted to –. Commissioner Rivers said, and I'll reply. Chairman Hair said, and also Commissioner Rivers. Commissioner Rayno said, I just wanted to briefly state for the record that I had a conversation with Susu Cox prior to the meetings and I had business interests in deep South Florida and I couldn't make it back home so I trusted my judgment with her and I felt she represented the First District fairly and accurately and I'm happy with the F-2 plan.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, perhaps I didn't make myself clear a few minutes ago. Commissioner Kicklighter, when you were dissatisfied with the arrangements for your district, you were hollering and hooping and going on all over the place at that –, at that first meeting, and at that meeting I specifically stated, as well as others, that we were not in tune with the same procedures. Now, to answer you, I'm not a johnny-come-lately, last minute person. So I want you to understand that. I was not aware, no one had told me until I ran into Dr. Johnson that they were going to have this meeting on Monday. We're leaving Friday to go out for a conference, so I had no prior knowledge that there was going to be a meeting. I had already expressed myself to the committee. They were supposed to inform us about this meeting. Nothing was said. So, to say to you, I'm not a last minute person. I get things done.

Chairman Hair said, Commissioner Rivers and then Commissioner Gellatly and then I would like to make a comment.

Commissioner Rivers said, Mr. Kicklighter, I'm not complaining. I only asked for reconsideration of this motion so that it could come back and I could state my objections. Whether you change it or whether they vote to have it that's fine. I'm not debating that issue. But if we had come back, and that's why I'm entering it into the minutes. I'm not here to do any arguing or anything like that. You're going to do all that. But I'm not here to do that. I'm here to enter it into the minutes my objections and that's it, and I'm through with it.

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, well, Commissioner Kicklighter and myself I think both share the same opinion. We wished that there –, but had no control of the scheduling of the meeting. We wish that it had been a time when the majority if not all of us could have been there, but that didn't work out. What I'm concerned about right now is that I think we need to get on with this and make a decision. If we don't, the people in Atlanta are going to make it for us and I don't think that would be fair to the taxpayers and voters in this County. That's all I have to say.

Chairman Hair said, okay. The way the process works is if someone wanted to make a motion to reconsider and a second, we'd take a vote and reconsider, otherwise the original motion stands. So if anyone would like to make a motion to reconsider, we'll take a vote on the reconsideration. That's certainly within the rules. Would anyone like to make a formal motion to reconsider the vote?

Commissioner Murray said, no, I'd just like to make a comment. Chairman Hair recognized Commissioner Murray. Commissioner Murray said, I've listened to all the discussion this morning about this. You know, I don't like the way it was drawn either. At our last meeting though we did take a vote to approve the F-2, I assume that's what it was. Chairman Hair said, that's correct. Commissioner Murray said, to submit to the State, which is the same one the Board of Education did. I voted in favor of that at the time mainly because I knew we had to have a plan. That plan would move forward, but, Dean [Kicklighter], whether you realize it or not, yes, I did talk with some people. I did get some information on it. I did express my concerns about some of the way the Fourth District was cut up, even though I knew the Fourth District was going to lose quite a number of people, as it always does. I don't think it's the best plan, I don't think it's the best plan for the County, but nonetheless it's a plan that was approved and I voted for it, and I'm not asking for reconsideration at this point. I think Commissioner Rivers has expressed his feelings and it's entered into the record if that's what he intended to do, and now we move forward and see what happens once it gets to the next level.

Chairman Hair said, one final comment from Commissioner Kicklighter, very briefly.

Commissioner Kicklighter said, I'm not saying anyone did anything wrong. My only point was that if there was problems with this, we've had four weeks since October 19<sup>th</sup> to bring it up and have a meeting to discuss to try to find a new proposal. That's my point.

Chairman Hair said, okay. Let's move on.

**ACTION OF THE BOARD:**

The F-2 reapportionment proposal, which was approved at the meeting of November 2, 2001, stands.

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- \* **5. AN AMENDMENT TO SECTION 4-12C(5) OF THE CHATHAM COUNTY ZONING ORDINANCE, ISLANDS ENVIRONMENTAL OVERLAY DISTRICT, TO REDUCE THE MINIMUM BUILDING SETBACK REQUIREMENT FROM THE MARSH LINE FOR PLATTED OR RECORDED LOTS NOT OCCUPIED BY A RESIDENTIAL STRUCTURE. THE MPC RECOMMENDED APPROVAL.**  
**MPC FILE NO. Z-010828-59853-1**  
**[NO DISTRICT - TEXT AMENDMENT - UNINCORPORATED AREA.]**  
**At meeting of October 19, 2001, item was tabled until meeting of November 2, 2001. At meeting of November 2, 2001, item was untabled for consideration, then tabled again to meeting of November 16, 2001.**

Chairman Hair said, I'll entertain a motion to take it off the table. Commissioner Murray said, so moved. Chairman Hair asked, second? Commissioner Rayno said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.] Chairman Hair said, the motion passes. I'll call on Commissioner Murray since this is basically his district, but it affects Countywide.

Commissioner Murray said, you know, there's been quite a bit of discussion in the last two weeks since our last meeting and there have been several new options that have been laid out different than the one that we had as a second reading, but from what I understand from a legal standpoint, we can still adopt one of these other options. I'd had sent out to all of the Commissioners and to the County Attorney yesterday for going to MPC Option C, which to me is probably the best option in my opinion that we have in that it is a good compromise; however, there's still some concerns about vested property rights and whether certain people that have already been through the process, paid money to have their plans drawn from architects, whether or not they would be allowed to build on these properties or not. I just saw the County Attorney in the hallway after some discussions with some other people earlier this morning, and I'm going to ask you, Jon [Hart], you've had a chance to read through Option C I think because you got a copy yesterday. County Attorney Hart said, yes, yes sir. I read it this morning. Commissioner Kicklighter said, Commissioner, we can't continue this. There's only four of us here. Commissioner Murray said, excuse me, but we'll start the discussion in a few minutes when we get somebody else back in the room I guess. Commissioner Murray said, thank you. Commissioner Kicklighter said, I'm sorry to interrupt you. Commissioner Murray said, I'm glad you did.

[NOTE: The Commission recessed at 9:32 a.m. for lack of a quorum. The meeting of the Board of Commissioners was reconvened at 9:40 a.m., when a quorum was obtained.]

Chairman Hair said, let's come to order please. Okay, continue please.

Commissioner Murray said, we've had over the last couple of weeks several proposals on stuff that we've worked on. One this morning, as a matter of fact we got to the point where I was going to ask Jon Hart if he would talk about Option C, the one that I was supporting, along with vested rights and people that have already paid their architects before this went into effect to have their homes built and those properties that had already been through the process with MPC. County Attorney Hart said, yes sir. What we've done in the plan is there's been a number of different versions and the current version is probably stricter than State law but more flexible than several of the other plans that have been submitted, and basically it's sort of a sliding scale and we increased the lot size to 125 feet when it bumps in. From a practical standpoint, you have the right to adopt this particular type of provision, which will probably provide a greater buffer area in most situations than the State law does, but at the same time take into account the fact that in your smaller lots that if you're going to, you know, wack off a 30-foot setback on the front and require a substantial setback in the middle you don't end up with a lot of skinny narrow houses being put on the lots, so, you know, it's a proposal that is really a policy decision more than a legal decision of whether that's what you want to do. I think the language of this provision works just fine. You know, it could be tweaked a little bit to shorten up the language, but from a practical standpoint the fourth version I've looked at this would work. From a vested rights standpoint we are changing our requirements and I think the people who have acquired lots and people who have gone forth and expended money on trying to develop that lot would have a pretty strong vested rights argument of saying, gee, I relied on this and I

expended money on this and now you're changing the rules on me. So I think the Commission, if they want to adopt this policy, which would be stronger than what the State law is, they need to be very cognizant of the fact that there are people out there that are going to have vested rights and certainly if you had bought a lot and you thought you were in compliance and if you went out and hired an architect and you spent money on the architect and you had a set of plans drawn and then we make these rule changes and now your lot —, your house doesn't fit within the setback line, you certainly ought to be able to proceed under a vested rights theory and you can complete that construction. Now, you know, the next door neighbor who hasn't expended any funds probably would not be in a position of having vested rights. Commissioner Murray said, okay, so in other words, what I want to get very clear so people understand it is that if we adopt this today you are saying from a legal standpoint that if someone, and I'll use a piece of property in Long Point for instance, has already paid the architect, already had his plans drawn to put that house on that lot, then he would still be allowed to do that. County Attorney Hart said, yes sir. I think it would be very difficult for the Commission or the County to come back in now and say, gee, we've decided we're going to redraw the lines of which you've got limited space on your lot. It would be, quite frankly, unfair. Commissioner Murray said, all right, now if we adopt this today, can you make sure that Inspections, Permitting Department understands that so these people can get the permits to go ahead and build these homes. County Attorney Hart said, yes sir. They're pretty good about that for the most part. We've got some permits that have been held up, I think, due to the fact that there was some —. Commissioner Murray asked, we haven't approved anything have we? County Attorney Hart said, no, because we just haven't had anything on the books, but, you know, if it gets to be into that gray area, it usually ends up come over for us to look at and I think the MPC is going to probably adopt some rules or procedures that spell out how you measure the lines that probably will not appear in the ordinance but will be adopted, and in that way there will be some consistency in enforcement, and most of the developers probably need to come in and make sure that they get a copy of that little memo so they know how they're measuring, not so much the developer as the surveyors because the surveyor's going to have to measure the distance back from the marsh line. Commissioner Murray said, Tom, you had something that you were working on also that would go along with this, which would be a guideline I think. Mr. Tom Wilson said, that's correct, we have a draft memo to address that. There has been a lot of concern, people have come in with irregular marsh lines and they've asked us how the setback would be interpreted in their particular situation. I don't think it's appropriate to provide detailed wording in the zoning ordinance to deal with every case, but we certainly can have staff interpretation written into a memo so there's consistency in interpretation and a lot to them we've looked at so far and applied the draft guidelines to seem to look pretty rough.

Commissioner Murray said, I would like to move that we approve Option C and the County Attorney be able to, I guess, put the language that we actually, the wording —, changing the wording to make it more legal, I guess. County Attorney Hart said, well, it's not so much more legal. We've got some verbiage in there that would not change, be any substantive change in the language, but I think, you know, it's a little long-winded and we could tighten it up a little bit. Commissioner Murray said, and also that the MPC is allowed to go ahead and put in their wording so they wouldn't have that in as a guideline. County Attorney Hart said, yes sir. Commissioner Murray said, and also that those lots which we've discussed earlier would be allowed to be built on under the situation that they've already spent funds to have those plans drawn and have vested in that. County Attorney Hart said, now —, and I also wanted to comment that we've had quite a bit of feedback from the development community and the homebuilders community and it's been very constructive. They pointed out quite a few things that, you know, when you look at the broad spectrum I think they've improved the language within the act.

Chairman Hair said, we have a motion on the floor. Do I have —. Commissioner Murray said, well, I feel like based on what we've discussed, this covers everything. Is that what you're saying? County Attorney Hart said, well, you never say it covers everything because the minute you say that somebody comes up with a lot that's shaped like a Z or something —, Z or something, but, you know, we've tried to anticipate most of the situations that we can think of, such as irregular lot size, marsh size and that. I think it's a good 90/95% rule and then we're going to have to use some good judgment in regard to the rest and be consistent in what we do. Chairman Hair asked, do we have a second to that motion? Commissioner Thomas said, I second it. Chairman Hair said, okay. I'll recognize Commissioner Rayno and then Commissioner Kicklighter and I'd like to ask a question of the County Attorney.

Commissioner Rayno asked, Mr. Hart, is it my interpretation that we're trying to supercede State law here? County Attorney Hart said, well, we're not trying to supercede State law because the State law actually says this is the minimum requirement under State law and if your jurisdiction desires, it can have a stricter standard just so long as it does not conflict with the State statute. So, yes, we're probably —, we're clearly more strict than the standard 25-foot setback from the marsh that the State provision provides for. Commissioner Rayno asked, but if we try to apply this standard and a developer doesn't agree with it and they go back to Berger v. City of Mayfield Heights, what are our chances in court of winning? County Attorney Hart said, I think we've got a pretty fair chance of defending the claim. You know, the ordinance is written where it's a flexible —, it's a flexible moving standard, and I feel like that case could probably be distinguished to be honest with you. Commissioner Rayno asked, could advocates of property rights feel it's an infringement upon their right to use property? County Attorney Hart said, I think any time any government makes any regulation involving property, that people could truly and honestly take the position that it infringes upon their rights, and to some extent any rule or regulation that you make is going to have that impediment, and the real question there is whether the standard is uniformly addressed whether at least the equal protection/due process standard and whether the regulation is not so adverse to the property right that it constitutes a taking, and I clearly don't think the way this particular provision is written that it would have trouble passing those tests. Commissioner Rayno said, thank you, Mr. Hart.

Chairman Hair said, Commissioner Kicklighter and then I'll –.

Commissioner Kicklighter said, the way this is worded it would allow the 18 lots or whatever that was to be developed, that this talked about. County Attorney Hart said, yes. I have not look at the specific lots about that. Mr. Brannen has –, Rob Brannen, the attorney that represents the developer, has provided me some additional, very good additional information since the last time we met. I did not realize at the time of the meeting that when the developer put that subdivision through as one of the requirements of the MPC, they required the developer to obtain a variance from the DNR and they went up there and successfully negotiated a variance from the DNR on those lots. So my –, I truly believe they've got a –, you know, you could litigate the issue, but I think they've got a very strong vested rights argument and I think they've got a very good argument of saying that, gee, we did what the State law required and got a variance that the MPC adopted and placed in their findings as part of the condition to approving the subdivision. So, in effect, we've got the MPC adopting the DNR variance saying this is okay, so to go back now after you've developed your subdivision, put your water and sewer and roads in I think would be extremely unfair to these people to try to modify it at this date. Commissioner Kicklighter asked, so would they actually have to go to court and spend their money or anything to develop those lots? County Attorney Hart said, no sir. I have a request right now to render an opinion upon that and we've pretty well come to a conclusion that as to that subdivision, you know, given the fact that the MPC placed the variance within the approval of the subdivision, that we ought to live by what we approved. Commissioner Kicklighter said, okay, and, Mr. Chairman, I'd like to ask if –, I noticed one of the homebuilders out there shaking his head at certain issues. I'd like to if we could possibly hear from him –. Chairman Hair said, certainly we'll hear from anybody that wants to talk to the issue. We just have a motion and a second on the floor. If anybody wants to speak, anybody will be allowed to speak. Commissioner Kicklighter said, okay.

Chairman Hair said, before that –, before I recognize Mr. Lopez though, Commissioner Rayno asked the question that I was going to ask, but I understand that the County Attorney's answer was yes it's legal to be stricter than the State, but what I would ask a practical question. You know, it's the State's responsibility to maintain the integrity of our marshes and all those things. My question would be why do we want to be stricter? Yes, we could probably legally be stricter, but I –, I've just got a property rights issue here and I just don't see the need to be stricter than the State. I mean, what we're saying is our marshes are more important than Brunswick's marshes or St. Mary's marshes, you know, and I think that would be an argument. So mine's one more of a reasonableness argument. It's not legally can you do it. I mean, the Attorney's already ruled that legally we can, but I've just got a problem with the motion in the sense that I don't know why we'd want to be more strict than the State. I can't answer that to myself so I'm probably going to oppose the motion. Chairman Hair recognized Mr. Lopez.

Mr. Hector Lopez said, good morning. My name is Hector Lopez. I am a small business owner and a resident of Wilmington Island. The issue being discussed today is the right to own land fee simple without having to worry that your government, Federal, State or local, is going to diminish it or take it from you. All of the homeowners in Chatham County should actually be on their guard and worry that their land and rights are not safe. I don't believe that the landowners that this affects even have a clue that their land is being taken away, and I think that as Chatham County leaders it's your responsibility and duty to let your constituents know what is happening to their land. When planning a subdivision, the developer can make adjustments, allowances for lands required to comply with any smart growth plan, but to change the game in the middle is just not fair. I bought lots and made my business plan based upon plat size and lot, lot size, which were approved by you and I would welcome anyone of you to call my lender and have him lower my loan value to reflect that the diminished value of my land. As the President of the Homebuilders Association of Savannah I think that it is also of great concern to my constituents and their livelihood. As I stand here today, I think about the young men and women that are fighting for our rights and freedoms, and it breaks my heart to have to think that I have to stand here in front of you to fight and defend my rights as a landowner and as an American. How would you feel, each of you, if it was your land that was being taken away? Thank you for your time.

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

Commissioner Murray said, yes, that was a nice patriotic speech, I appreciate it. I just want to say there's no one up here trying to take anybody's land for any reason so I tend to disagree with your comments. Excuse me, let me finish before you try to talk again, okay. Mr. Lopez said, okay, I'm not going to say anything. Commissioner Murray said, this is not doing that. Sapphire Island, which you're speaking of, can be developed just as you've got it planned to be developed. Quite frankly, there's some lots on there that never should have been approved, but that's beside the point. They were and you can build on and you can develop it just as you planned to. So to stand up there and say that your rights have been taken away from you is absolutely wrong. You can still develop your land. Nobody's stopping you from developing that land. This is a plan long term for the islands community. That's what it was put in for. It was the Islands Land Use Plan that was adopted. This was part of it. We're making some concessions on this. This is a compromise. Why should you have everything you want and the other property owners not get what they want? Nobody's getting everything they want out of it regardless of what we approve. It's a good compromise. It's addressed issues that you've talked about. It's addressed the issues that Mr. Brannen talked about this morning before the meeting started. The County Attorney has already said these things can be done. So where are we taking anybody's land? The man that has a piece of property at Long Point, his concerns have been addressed. He can still build his house. So –. Mr. Lopez said, okay. Commissioner Murray asked, where's the difference and where's all this –? Mr. Lopez said, see, I have to wear two hats. I have to wear an individual hat and one as the President of the Homebuilders Association. Also, the lots that you have mentioned right now, you're looking at 19 lots. After looking at the lots that are going to be affected, it's 178 lots which is a larger number than the 20 or so lots that we're protecting right now, and if 180 people who own

those lands were here today, I think you would think a little differently if they were standing here each one giving their opinion about their land and the rights to own the land and not have any of that land taken away from them, which is a crime. Whether you say so or not, once the government comes in and steps in and puts regulations on you, you are taking land without compensating the individual for the land that is being taken away and when someone told me that, well, we're just not letting you build on it -- Commissioner Murray said, we're not stopping you from building on it. Mr. Lopez said, oh, on that 25-foot you sure are.

Chairman Hair said, I'd also like -- Are you through Mr. Murray?

Commissioner Murray said, well, I guess, I guess to satisfy one particular group maybe we just need to do away with zonings altogether. You know, maybe that would satisfy you and in that way you could do anything you want to on any piece of property anywhere in Chatham County. Mr. Lopez said, no sir. I have no problem with the ordinances -- Commissioner Murray said, well, [inaudible]. Mr. Lopez said, I have no problem with the ordinances. Like I was speaking to Mary, if you have a lot and you're going to subdivide it, you are now under the new rules. I have absolutely no problem with playing by the rules of the game if I know what the rules are, but once you've already played the game, made your investments, bought your land, planning to build on it down for your retirement, and then you have this lot, now the game has been changed, which is the only problem I have is changing the rules after the game has already been in progress. Commissioner Murray said, we've got something else we've done too. The County Commission and the City Council both have funded the MPC to start redoing all the ordinances. Does that change it in the middle of the game? Should we not do -- Mr. Lopez said, as long as the -- Commissioner Murray asked, make any change to our zoning ordinances? Mr. Lopez said, as long as those ordinances affect things like you said planning, planning the word by itself is future, not past. Once it's over, it's over. If you want to plan for the future, I have no problem with that, but to go and go to the past with your planning, that's not planning. Commissioner Murray said, this process has been in place and has been worked on for five years now. Mr. Lopez said, I understand that. Commissioner Murray said, so don't say it's not planning because -- Mr. Lopez said, and at the end of that process it was our understanding that this would not go retroactive back to lands that have already been developed or platted. Commissioner Murray asked, didn't you just discuss that, Mr. Attorney?

County Attorney Hart said, I think it's a --, it's really a policy decision of this Commission. It's less than a legal decision. I mean, I can tell you you can legally do something or not do something. Ultimately, y'all going to have to make a decision on your rule, and you can make changes in your zoning ordinance and the changes in the zoning ordinance can be more restrictive and so long as it does not take away the utility use of a piece of property so that it's unusable, it would probably withstand most legal challenges to that. That is not to say that this gentleman is not correct that, you know, you could make a regulation that could affect value, and that's another issue. That's not --, it's a real issue. It's a real issue to him, it's a real issue to the value of the property, but it's not from the County Attorney's standpoint a legal issue, and the way this rule has been written I think it would withstand a challenge and we're trying as best we can to protect as many people as we can with the ruling, and I think from a practical standpoint the Sapphire Island situation was a situation in which there was a variance granted from the State, which was adopted as part of the MPC plan, which in my opinion they played by the rules and that's pretty much the way we wanted to have it done. Now I think it would be very difficult for the County to go back in and change those. I don't know anything else to say to it. Commissioner Murray said, well, nobody's trying to change that, so that's the point.

Mr. Rob Brannen asked, may I ask a question. Commissioner Murray said, y'all go ahead.

Chairman Hair said, I'm going to recognize Mr. Brannen and then Mr. Frazier and then I want to make a comment. Mr. Brannen.

Mr. Brannen said, I did want to get some clarification, Jonathan [Hart]. On Sapphire Island some of the lots have variances and some of them don't. Is it my understand that we're saying today that our entire site plan is vested? County Attorney Hart said, no, I'm not going to concede that -- Mr. Brannen said, that's what I'm trying to find out. I need clarification. You did say Sapphire Island is vested. County Attorney Hart said, you've entered into something I did not know. I was under the impression that the variance has been granted for all the lots on Sapphire Island from DNR. If there are some of them that have not be granted, I would have to look at that. That's a separate matter. Mr. Brannen said, and then if I can answer Mr. Kicklighter's question, under the rules that we have now, I try to apply and the rules are very difficult to apply. An average of 125 feet is a hard thing to measure when the marsh goes like this, and it looked to me as if there were three lots on Sapphire Island that were not buildable based on that. Now I've talked to Mr. Murray and I've talked to the staff and they're telling me that the regulations could be drawn in such a way that these unbuildable lots perhaps could be interpreted in a way that they would become buildable, but my argument was I didn't see the -- County Attorney Hart asked, can I reply?

Chairman Hair said, I don't know that that's something we can do at the Commission meeting, but the very issue that's been raised is what gives me great concern here. Mr. Brannen said, and I wanted -- Chairman Hair said, there are a lot of unknowns out there and I want to make a comment in just a minute, but let me recognized Mr. Frazier and then I want to -- Mr. Brannen said, okay.

Youth Commissioner Frazier asked, can you say what MPC stands for? Chairman Hair said, Metropolitan Planning Commission. It's a joint effort of the City of Savannah and Chatham County and it basically does our planning functions.

Mr. Brannen said, I wanted to clarify Mr. Lopez's position because I think it is something that needs to be considered and I think that's what you --, you may be saying too, Mr. Chairman, and that is that if a site plan has already been approved by the Metropolitan Planning Commission, money has been spent, you know it costs a lot of money to get a site plan approved, \$20,000 or \$30,000, you study the topography, you do surveys, you go through the Planning Commission, you pay attorneys to do that and argue that, and lots --, developments like Sapphire Islands, I think Bill has another development where site plan has been approved, money has been spent, we feel like those are vested rights, that this ordinance will affect those vested rights, and if you affect those vested rights, you know, I don't know if I disagree with Jonathan [Hart] or not because I'm not sure where he stood on this, but I think that's a taking, an unconstitutional taking under our Federal and State Constitutions, and that's I think what Hector [Lopez] is saying. Anything that's been site planned and approved, that --, this shouldn't apply to that. Anything else going forward, we can plan for that. You know, we can plan for that and we can deal with that. Now what the staff has done is they have said rather than address the big site plan issue, let's try to take specific reductions in the setback that might address some situations that are on these site plans to make the lots more buildable, and that --, that gives us some great benefit too. There's some benefit to that, and I'm not totally unopposed to that, but I just wanted to clarify. I think Hector's [Lopez] first position is that all site plans should be excluded from this so that we can move forward.

Chairman Hair said, I want to make a comment. I think it does affect people's future property rights and not just those that are already platted because we've already semi-agreed this morning and the discussion is that, you know, there are some that says, well, if you've already got your architect and you've already got your plans, well, we're going to take care of you, but what we're saying is if I've owned a lot for three months and I've already got an architect, I'm okay, but if I've owned a lot for 20 years but I only decide a week later I want to --, then I come under the new regulations and I --, I mean, I guess I've spent too much time in court lately, but I'm beginning to understand what the term arbitrary and capricious means, and to me just to set some artificial date and say after November 27<sup>th</sup> if you don't have an architect, then we're going to take --, you know, and in essence it is a taking. I totally agree with Mr. Lopez. I mean, you know, I happen to live on the marsh and, I mean, 25 feet, I can't do anything on that 25 feet, so if you take 25 feet of my property, I can't build anything there, so it really is a taking and I --, I've just got a real problem with us trying to be more restrictive than the State of Georgia. We're saying we're smarter than the State of Georgia, and the State of Georgia obviously, DNR in my opinion is a well operated, you know, department and they have a need --, they saw a need to have protection, but I've just --, I've just got a real problem because I think it goes way beyond what I think we should be doing and I think it does take away people's future property rights. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. You basically answered my question. I was going to ask if we could put a grandfather clause in there for subdivisions that plats have already been approved, but I really wasn't thinking about the people that saved their money, bought a lot --. Chairman Hair said, right. Commissioner Kicklighter said, savings to try to build a house later on in life and they'd be out, so I --, my decision is made to oppose this too.

Chairman Hair recognized Mrs. Heimes.

Mrs. Marianne Heimes said, I think it says where a lot was created on or before June 8<sup>th</sup>, the marsh setback shall only apply to the rear yard. I think --, well, let me start at the beginning. My name is Marianne Heimes. I represent the Islands Citizens for Logical Growth and I was a member of the Land Use Plan. For Mr. Lopez, we are not trying to change the game in the middle, and that's why we're here today. We're trying to accommodate the people whose property is being affected by the Land Use Plan and the plan is a plan for the future, but if we don't take a step somehow for the --, you know, at some time for the future, the future will never be addressed. I believe at the --, when the Land Use Plan was passed in June, it was very clear to everybody that accommodations needed to be made for these homeowners who had problems with --, or not the homeowners, but the property owners who had marsh front property, they had gone and spent money to get a --, the architect fees and everything else, and we said then, yes, accommodate them, do what you can. I think it's become a bit of a problem to do it in a proper way, but there was never any, any intend to keep any of these people from building on their marsh front lots. What we hope is in 20 years it will be more uniform when we begin to redevelop and it will be redeveloped out there on the islands eventually and as the property ages to have a standard of 50-foot setbacks. I would like to read a letter from Seth Winger [phonetic], who's an ecologist with the University of Georgia, and this is in reference to the fact that the State does say 25 feet, but then I would also say that I bet you don't agree with everything that the State has to say. "After reading through well over 100 scientific papers and books, I concluded that riparian buffers needed to be substantially wider than 25 feet to provide significant water quality benefits." And we say, well, you know, the St. Simons doesn't do this. I don't know if they do or not, but we're taking a forward step to try to protect our water and, as you know, that is an important issue in our particular area. I feel very strongly that a compromise can be made here, and that's what everybody has been trying to work for, and I think it's just getting the wording and getting the wording right. I believe that from what I have seen the policy or the amendment, if the latest one from the MPC does seem to cover the things that have been addressed here, and I just do want it to be on record that, you know, there was never any intent on my part or anybody else's part that I know to prevent anybody from building on their property.

Chairman Hair said, thank you, Mrs. Heimes. We have a motion and a second on the floor, a motion to approve Option C.

Mr. Bill Shearouse said, Mr. Chairman, I represent Heron Crest Developers. Heron Crest acquired a two-acre tract of land at Betz Creek about two years ago and proceeded to have developed plans for the construction of a five-lot subdivision. The plans were approved by the DNR. That approval was required because a bridge was needed over

the marsh to get to this hammock for development. Earlier this year the County approved the plans and specifications and the engineering drawings. The City of Savannah approved the sewer and water system and construction was built or was commenced in March of this year. The project was completed before June 8<sup>th</sup> but the subdivision map was not signed off on before June 8<sup>th</sup>, so my question maybe can be addressed to the County Attorney. The ordinance says lots created before June 8<sup>th</sup>, but I'm not sure what that means. I'm not sure how that will be defined because obviously these lots were created before June 8<sup>th</sup>, but a subdivision map was not recorded before June 8<sup>th</sup>. We would take the position that we have vested rights. We're already built it and it's there, but if this ordinance prohibits us from our 25-foot setback that was approved, we can't build on any of those lots and, in effect, our property will be taken without compensation. County Attorney Hart said, I'll be happy to look at that. This is the first I've heard of it. I'm not going to sit here without having even see the plat and give you an opinion. I think that would be unfair to this Commission and unfair to the people who have concerns about whether they are or are not in compliance. So if Mr. Shearouse will be happy to get with me after the meeting today and provide me copies of everything that he has, and I'm sure he has plenty of things he can provide me, we'll be happy to look at it and try to give some kind of guidance there if it's needed. Mr. Shearouse said, well, I guess I'm asking what is the –, what is the sense of the Commission because the ordinance hasn't actually been written yet as far as I understand. Does lots creates before June 8<sup>th</sup> mean what it says or does it mean lots platted before June 8<sup>th</sup>? County Attorney Hart said, I am not going to at this point make a decision on that. There's questions about whether you should convey property out before you have a subdivision plat on record. I mean there's multitudes of issues there that we could discuss and, you know, without having my Pindar on property law sitting in front of me, I don't think I want to try to give them to you know.

Commissioner Rivers said, Madam Chair, in light of everything that has been said here and in light of the disagreements that we have over the ordinance, I'll ask the Commission to move at this time to table it until all parties can get together and do that, look at all the things that they have to look at. So I'll move to table. Vice Chairman Thomas said, we have a motion. Commissioner Murray said, I'll second. Vice Chairman Thomas said, you second it. All in favor of the motion. Vice Chairman Thomas and Commissioners Rivers and Murray voted in favor of the motion to table. Commissioners Rayno, Gellatly and Kicklighter voted in opposition. The motion to table failed as a result of a tie vote of three to three. [NOTE: Chairman Hair and Commissioner Odell were not present; District Three was not represented.] Commissioner Kicklighter said, we need the Chairman. Commissioner Murray said, Priscilla [Thomas], that motion is defeated, it was a tie vote so we keep discussing it. Vice Chairman Thomas said, excuse me. It's defeated. Commissioner Murray said, a tie defeats the motion so we keep going.

Mr. Shearouse said, let me make one more statement if I can and as I'm required to by the law to preserve my client's rights if this goes forward. It will be our position that if the ordinance passes and we are not allowed to construct homes on these five lots, the properties will have been taken without compensation in violation of the State and Federal Constitutions.

Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I really don't want to see us delay this. I know we've delayed it before. Every delay it's costing the property owners money that's want –, that want to develop the land that they've bought. I agree with the Chairman. I don't like –, I believe in the people's individual property rights and they purchased the land to develop and we all know we need to some development in Chatham County. With our budget crunch I can't see us going out and being anti-development, anti-homes. We need people to flock to Chatham County and build as fast as possible. I believe we have good regulations in place. The State law's there. I commend the MPC and Commissioner Murray for spearheading that and getting it through. There's good safeguards in place, but there is a balance where I believe you can go overboard and start hurting the property owners and deterring development, and I really don't want to see the developers head on out. There's enough of them out there developing Effingham County and Bryan County right now. We need to keep them here developing Chatham County and I believe we have the ordinances in place to do that in a responsible manner without infringing on the property owner's rights. So I would like to see us vote this down where we can protect the property owners.

Chairman Hair said, the vote is three to three is a loss, so the motion fails. Commissioner Murray said, that's not the motion. That was a motion to table. Chairman Hair said, oh, a motion to table.

Commissioner Rayno said, I call the question. Chairman Hair said, we have a call for the question. All those in favor –. Commissioner Murray said, wait just a minute. We can't discuss –, I mean, you're going to railroad it through before I have a chance to say anything else? Commissioner Rayno said, we've had ample discussion. Chairman Hair said, well, a call for the question is not debatable. Commissioner Murray said, y'all just remember this is going to come back to bite y'all in the behinds. Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Commissioner Murray voted in favor of the motion. Chairman Hair and Commissioners Rayno, Rivers, Gellatly, Kicklighter and Thomas voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioner Odell was not present; District Three was not represented.] Chairman Hair said, the motion fails.

Chairman Hair said, that comes to –. Commissioner Murray said, let me just make a comment. This still changes nothing so nobody can still get a permit because nothing's been done. We just –. Mr. Brannen said, we need another motion, Mr. Chairman. Commissioner Murray said, that's what I'm saying. They know so much about what they're doing, they haven't even read that. Chairman Hair recognized County Attorney Hart.

County Attorney Hart said, that's going to keep the 50-foot in place everywhere now. Mr. Brannen said, the motion from the –, the original proposal from the MPC that was tabled was to go back to the 25-foot setback and that motion was changed by Commissioner Murray, and that was just turned down, but we need a motion now to go back to the 25-foot setback.

Chairman Hair said, okay, I'll entertain a motion to go back to the 25-foot setback. Commissioner Kicklighter said, I so move. Chairman Hair asked, second? All those in favor vote yes, opposed vote no. The Clerk asked, did we have a second on that? Commissioner Rayno said, I'll second. Chairman Hair and Commissioners Rayno, Rivers, Gellatly and Kicklighter voted in favor of the motion. Commissioners Murray and Thomas voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioner Odell was not present; District Three was not represented.] Chairman Hair said, the motion passes. Thank you. Mr. Brannen said, thank you.

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

1. Commissioner Rivers made a motion to table this matter until all parties can meet. Commissioner Murray seconded the motion. Vice Chairman Thomas and Commissioners Rivers and Murray voted in favor of the motion to table. Commissioners Rayno, Gellatly and Kicklighter voted in opposition. The motion to table failed as a result of a tie vote of three to three. [NOTE: Chairman Hair and Commissioner Odell were not present; District Three was not represented.]
2. Commissioner Murray moved to approve Option C, that those lots where the owners have hired an architect, spent money on the architect and had a set of plans drawn would be allowed to be built on, and that the County Attorney be allowed to tighten up the verbiage in Option C. Commissioner Thomas seconded the motion. Commissioner Murray voted in favor of the motion. Chairman Hair and Commissioners Rayno, Rivers, Gellatly, Kicklighter and Thomas voted in opposition. The motion **failed** by a vote of six to one. [NOTE: Commissioner Odell was not present; District Three was not represented.]
3. Commissioner Kicklighter moved to approve an amendment to Section 4-12c(5) of the Chatham County Zoning Ordinance, Islands Environmental Overlay District, to set a **25-foot minimum building setback** requirement from the marsh line for platted or recorded lots not occupied by a residential structure. Commissioner Rayno seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Gellatly and Kicklighter voted in favor of the motion. Commissioners Murray and Thomas voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- \* **6. BOARD OF ASSESSORS (COMMISSIONER MURRAY). BOARD OF ASSESSORS AND MR. UDINSKY HAVE BEEN INVITED TO BE PRESENT. At meeting of November 2, 2001, Commissioner Rivers requested reconsideration at meeting of November 16, 2001.**

Chairman Hair said, the issue on the Board of Assessors is on the table if anyone would like to make a motion to take it off the table. If not –.

Commissioner Murray said, I would move to take it off the table for discussion. Chairman Hair asked, do we have a second? Commissioner Rayno said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

Chairman Hair said, let me explain procedurally where we are on this issue. The motion that Commissioner Rivers made at the last meeting was to reconsider. The motion was to have a public hearing on today, November 16, and the law requires notice of public hearing and it also requires that the Commission issue charge letters, so I've already discussed this with Commissioner Rivers and he understands that the –, that it's a moot issue, so our choice today is either to do nothing or to entertain any new motion that anybody would want to do, but the original motion to reconsider was to have a hearing today, which legally cannot be done now, so I just wanted to make sure everybody's clear on that and if any action needed to be taken or if any Commissioner wants to make a motion to take any action for any future hearing, it would have to be some date specific would have to be set a letter would have to be written to the individual member of the Assessors stating the reason for removal if that's –. just want to make sure everybody understands where we are with it. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you, Mr. Hair. The reason why we're here today and we're at this point in time is because of perceptions, and we've all gotten our perception of the Board of Assessors largely from the events that were portrayed in the news media whether they read the Savannah Morning News, whether they watched the TV news, and their perception is that every single Board of Assessors meeting was characterized by fighting from start to finish and a board that just simply could not get along, and I don't think there's anybody in the audience that would dispute that that's the perception, and that's why we're up here talking about it today. That's the perception. But if you go back to the May 3<sup>rd</sup> meeting when they found out about the International Paper properties, just one paragraph on this: At a meeting loaded with shouts, accusations, insults done with [inaudible] showed Assessors charts, graphs, maps, and lots of numbers to show 20 properties owned by blah, blah, blah, blah, blah. The characterization of that meeting is that

nothing got done, there were shouts, arguments, close to a fist fight, but if you look at the actual minutes of that meeting and you look at the votes that were taken on that meeting on May 2<sup>nd</sup>, 45 votes were taken that day. How many of those do you think in that hostile environment were divided votes? Does anybody know? Zero. Forty-five unanimous votes were taken that day. Was that in the paper? Was that on the TV? As a matter of fact, at that same meeting Pat Stringer got along with Ms. Snider and there's a perception that they fight all the time. They agreed upon the issues of the Stevens-Day Bill. They agreed upon it. Also after a big fight a unanimous vote was taken. They were not divided. After Jackie Sommers asked Udinsky and chairman to resign they had another unanimous vote. There was no divide. So I went back all the way to January of 2001. This divided board, 23 unanimous votes, 5 divided votes, 22 unanimous votes, 3 divided votes; February 7, 17 unanimous votes, 9 divided votes; February 15, 4 unanimous votes, 0 divided votes; March 6, 24 unanimous votes, 4 divided votes; March 27, 46 unanimous votes, 8 divided votes; April 18, 27 unanimous votes, 2 divided votes. And at times Hogan and Sommers voted together against the others. Was that in the paper ever? No. Was it in the news? No. These people over there are driven by ratings. We want to get the fight on TV. We don't want to type out all the good stuff that happened. They didn't tell you the fact that there were changes made to cover the discrepancies in the Stevens-Day Bill so property owners that owned over 40 pieces of property could be covered. They didn't tell you about the fact that if you made any improvements on your home that you wouldn't be charged a higher tax, they made that correction. They didn't tell you that they made some changes for the BOE so that when you go to the BOE hearing the appraiser that appraised your house is going to be at that meeting. Before there was somebody else who didn't know about your property at the hearing. A lot of good stuff happened so the question that's never been asked in the media, the question that's never been discussed is why were they fighting, and there's some very important questions. Jackie [Sommers] and Pat [Stringer] bring up, hey, there's two record books, keeping time. Try and do that in your business, you'll have the Department of Labor and the IRS and a few other people breathing down your neck wondering what you're doing, but we pooh-poohed that away. Two record books? Did the BOA do that? Huh-uh. One person did that. Also, they discovered that some properties were not being taxed uniformly. Did the BOA do that? Huh-uh. An appraiser did that. They also discovered that one appraiser allegedly went out and appraised 200 properties in one day. Is that feasible? No. If it's true, is it an accurate assessment? Huh-uh. Did the BOA do that? Huh-uh. One person did that. The person in charge, the person I've been telling you about all along. That's what they've been fighting about. That person. The fights start when they start defending that person in those meetings. You've got two people who are trying to find the truth, trying to do the right thing. The media has not covered this accurately. The truth is in the minutes. If you have not read the minutes, you've got no right to an opinion. I'm done.

Vice Chairman Thomas said, thank you. Are there any other Commissioners who wish to speak? Vice Chairman Thomas recognized Commissioner Gellatly.

Commissioner Gellatly said, I think what we're dealing with here is group dynamics, and I listened very carefully to what Commissioner Rayno said and I agree with the vast amount of statements that he made. I'd also tell you Commissioner Rayno, I don't think you're going to get any Christmas cards from the news, Savannah news media this year, but after saying that, you're very accurate. The Savannah news media is always, and probably most news media, go after the most controversial items there and very seldom does the public have an accurate picture of anything that's going on. I, too, will not get any Christmas cards, but I've never got a Christmas card from the Savannah news media. I think what we're dealing with is group dynamics that I've watched —. I don't think that there's any mean-spirited people on the Board of Assessors. I don't think that any of them are incompetent. I really think that all five of them had the best interest of the taxpayers and voters of this County in their own way as they saw fit, but the fact of the matter is that this particular group on many occasions has not gotten along together, and I don't think that we, as Commissioners, can tolerate or accept a group that doesn't get along period. That doesn't mean you shouldn't disagree because certainly you should disagree and should be asked tough questions, certainly you should ask tough questions and they should be answered, but I think that this is where we're at today is that we need to have a Board of Assessors that respect each other and that are willing to work together, and I think that however this plays out today that this should be our goal and this should be our objective that we have a group of assessors that will in fact do the people's business. The people's business improves asking tough questions and getting answers and make sure that the best interest of each and every property owner of this County is served at all times.

Chairman Hair said, thank you, Mr. Gellatly. I'd also like to make a comment. This is one issue that quite frankly I'm tired of dealing with. I've been in office five years and other than the Truman Parkway we've got more criticism about the Board of Tax Assessors than anything but the Truman Parkway. And I think we have a choice today as a group of Commissioners. I think we can sit here and do nothing today and if we do nothing today, let me tell you what's going to happen. At the second meeting in January, or next meeting after Mr. Hogan and Ms. Cox resigns, there's going to be a motion to fire Mr. Udinsky and the vote's going to be at least two to one, maybe 3-0, I don't know, and so I think we need to know that taking no action today period that we are —, we know in advance that's what's going to happen, and if that's what we want, then I think we do nothing today and we —, that's what we —, we will agree to that. So I think if we take some action today, then I think we have a chance of influencing decisions in the future, but the final thing I'll say about this fighting thing is I've never known a fight between two people that was a hundred percent one person's fault. If I fight with Commissioner Murray, he has to be a willing partner to fight with me and no one can generate a fight on their own, and there has been nothing but discord over there in that office and I guess in defense of these five people it was going on before you guys got there. I said to somebody the other day I think something's in the water over there that when we put people over there on the Board of Assessors just thinks the people just don't get along. But I will also say today publicly that I don't think that Elijah McGraw has done anything wrong. I've known Elijah [McGraw] a long time, worked with him in the school system for a number of years, the man hasn't been over there long enough to do

anything wrong, and I've got no problem with Elijah [McGraw], and I want to say that to you publicly, Elijah [McGraw], but I do think that our decision today is to do nothing, and if we do nothing, then the first meeting in January after they resign, Mr. Udinsky will be fired and —, or we have a chance to do something, and I think that's our decision. Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you. I, too, am fed up, and fed up is not really the word I'd like to use this morning. We've talked about perceptions and we've talked about dynamics, we've talked about a lot of things, but have we really looked at the reasons why all of this has come forward? And, like the Chairman says, it takes two to tangle, but these, the Board of Assessors, and I want to commend all of them that have been on the board because we have good people, but we're chasing away good people, but then sometimes we can have —, we can serve in capacities for the wrong reasons, and I see a lot of evil tripping in among a lot of people. Now I have talked to just about everybody on that board with the exception maybe of two or three. I've talked with the Chief Appraiser, and I have come to the conclusion that unless everybody is removed the problem is still going to be there. When I say everybody, I'm talking about the Chief Appraiser, the Tax Assessors, the whole thing. If you're going to clean house, clean house. Now this has been going on for years. Ever since I've been sitting up here, and it's not going to get any better. It's not going to get any better. Now you tell me. We each have a responsibility up here as Commissioners just as they have, and if you're not —, if you're not willing to accept those challenges, then I think that you really need to move on, and when you get to the point where you no longer care about what you do, then I don't think that no one needs to ask you to move on, you just need to move on by yourself. Now we're not going to get good people to serve because if you're going to bring out inaccuracies and you're going to get bombarded because you've done so, then that's another situation, but this morning I'm willing to —, to vote to have everybody removed, that including the Chief Appraiser as well, and then we start off anew. But if we're not going to do that, then my feeling is that we will remain —, keep the people's that there and let them go on with the business because I don't know who we're going to replace them with and plus the fact these new people may not even have the certification. You have to be trained to serve in this capacity, and these people have invested their time and their services, so we're back to square one. Now that's just my feeling. I'm only one person. I only have one vote.

Commissioner Rayno asked, Mr. Hart, we can't legally fire Gary Udinsky can we? County Attorney Hart asked, the Board of Commissioners? Commissioner Rayno said, yes. County Attorney Hart said, no sir.

Commissioner Thomas said, I know we can't, but it doesn't stop me from expressing my opinion.

Chairman Hair said, okay. Does anybody else have any comments or anyone have a —? Yes, Ms. Green.

Youth Commissioner Green asked, what's the true controversy about? What's the Chief Appraiser [inaudible]? Chairman Hair said, I guess the —, in brief form, the greatest controversy concerns the operation of the Tax Assessors office and we've had a couple of reports from the Department of Revenue of the State that's come down and looked, and we've had also a lot of citizens, you know, that are saying the office, you know, needs some changes and those kinds of things. But under the law the five members of the Board of Assessors are the only people that can deal with staff and terminate or hire someone. We appoint the Board of Assessors and then they run the office. That's the way the law is set. Chairman Hair recognized Mr. Jackie Sommers.

Mr. Sommers said, my name is Jackie Sommers. I'm a member of the Board of Assessors. I'm probably the sorriest politician in Chatham County but I'm a dang good businessman. The Board of Assessors is a business whether you like it or not. They have a budget of over \$2 million, they've got 40-some employees. They have had a business for about 10 years and nobody cared about it. The Commission didn't care about it. They worked on their own. They put —, y'all put —, the Commission appointed boards up there and they rubber stamped everything that the staff did up there. We were appointed —, I was appointed almost two years ago by you to make some changes and see what we could do. I have no axe to grind. I'm not a member of STOP. I attended a couple of their meetings. I was asked to. But what I found out is we —, you have one of the most disorganized departments in the County. For years the digest was late and the County Commission did nothing about it. By State law the digest was late. When we came on the board, the first thing we did was a two-year freeze. The Tax Assessor wasn't honoring the two year freeze by State law. We were violating State law. We were —, Pat [Stringer] and I made them —, went back and made them change it and they were supposed to correct everything. We told them correct and fix. We all voted unanimously to correct and fix the problem with the County Attorney's advice. That never was done. We're still having law suits today. There's a man in here today that is in court with the County today because he was —, our office did not fix 'em. In the peer review it says we —, the Board of Assessors does not have control. Yes, we don't have control. We tried to have some control for two years and we were accused by a couple of the —, of our assessors that we take and try to micro-management the department up there. We've got a department that spends \$2 million of County money. One-third of 9,000 and some of the inspections were done in the last three weeks, and most of them in the office on computer. The biggest example is at mid-point, which was ridiculous, at Skidaway, with change in quality, all the houses all in one day, 260 inspections. We called the appraiser —, our appraisers in there and they said they can inspect 200 houses in a day. Yet, if you divide the number of appraisers by number of parcels in the County, it comes out about 1,700 a year per person —, per appraiser; 1,700 per appraiser. We —, Pat [Stringer] and I, myself, could not do our job because of the —, of the two members who resigned, the other person has already been replaced, because they —, every time we found out something about the double set of books, we were told we were beating up on the staff, they would fix it. We found out about —, every time we found out about the property at —, Union Camp's property was under-valued \$2,000 an acre versus \$350 for theirs. We found that out, they didn't find it out. We said —, they said, oh, it's just a mistake. There's

been so many mistakes and nobody is responsible for them. I think you're making a mistake. Somebody should be responsible for them. Now in business, I run a big business. I take in as much and spend as much money as the County does, and one thing I've learned, you can't fire your whole staff. If you have problems, you find out who the --, what the problems are. You don't fire your good people because your bad people is doing a bad job. Yes, I think we need a new Chief Appraiser. It's not going to be easy to find one, and I have to agree with Ms. Thomas. We probably should all go, but this problem of not getting along on the board, it started when someone was elected chairman and I was lied to. Ms. Cox said she'd be chairman and I was going to nominate her and she nominated Mr. --. Chairman Hair said, do not get into personalities. Mr. Sommers said, okay, I'm sorry, but anyway --, and that's when the problem started. I knew it was going to happen. And getting along together is --, is last week we had five things, member items that we tried to put on our agenda. We followed our rules, send it in by Thursday afternoon by five o'clock and it would be on the agenda. None of them was on the agenda here. We can't get anything --, and reasons of the arguments, we can't even put anything on the agenda. If we talk about anything, we gravel down. The peer review, which we were supposed to fix some of the problems, our chairman would not even let us discuss it in our meetings. It never has been discussed in our meetings. So we didn't make no change. The fox who was in the hen house, the fox made all the changes he --, recommended changes he wanted to make to straighten it out. The State says we need to do it. Now as a businessman you don't fire your best people. You try to fix what's there. Now, you had pressure from the public to appoint people who would do that job for you. I state Pat [Stringer] and I have tried to do that job for you. Now if we have --, if you can find anything that we have not did our job, I'll resign today, but we have --, we have did our job in a --, I have spent hundreds of hours and Pat's [Stringer] spent thousands of hours trying to work for the County to do this. Yes, we have --, we have still got problems, a lot of problems and they're not being fixed. Now, I have to agree with one thing. Things are better than they were a year ago because Pat [Stringer] and I put, they have made some changes. They have signed, like Chief --, like Mr. Rayno said, they have assigned the same appraisers to go to the BOE to be with the people on the hearings. They have assigned the same appraiser to pieces of property. Last year all the large parcels of property was done in the office by one person and never went out there. I mean, yes, we've got problems. When every time they --, they even passed rules, three of them, to get --, Pat [Stringer] and I that we couldn't even talk to the appraisers in the office. We've had an uphill fight all the way. Now, if you find anything with Pat [Stringer] and I's [sic] work that we have not did what you appointed us to do or the public wanted us to do, we'll resign, but I think that the idea that because some of the board is bad and the board argues is no reason for someone when the work's being done. All the work is being done. This year coming up is the only --, is the last year we told y'all that the digest was late and they asked for an extension last year. This year the digest will be on time for the first time in probably 15 or 20 years. So I don't have anything else to say except we did what we thought that y'all wanted us to do, and we took our own time and I took my own money to get an open records request to try to find information for us. So if you want to --, if you find anything wrong in what we've done, I'll resign, but just the idea of resigning for no reason, if you were a businessman you wouldn't do it. It's an insult to my integrity. Thank you.

Chairman Hair said, thank you, Mr. Sommers. I'm going to recognize Commissioner Kicklighter and then Commissioner Rayno.

Commissioner Kicklighter said, Mr. Chairman, I just want to share some thoughts here. I'm basically in a dilemma right this second like I've been in for a couple of weeks or a while now. I have never personally questioned the efforts of Pat Stringer or Jackie Sommers or for Elijah McGraw, for that --, or any of them for a matter of fact individually. Personally, I guess, I question the way they conduct themselves as a group. I believe that we had a good example yesterday on the television. I was home waiting on --, to go to court with the Sheriff so I was sitting there and watching TV and saw the President of the United States and the President of Russia talking to school children. They disagreed on one of the biggest issues around, which is the missile defense, but they did it very politely in a nice, kind manner and went on about their way. So we definitely --, and also I want to state for the record people have been released --, I'm a big football fan. There's been excellent, excellent, excellent football players that have not conducted themselves properly off the field and they've been released from their teams, and that's kind of a feeling I'm --, I have here. I don't question how hard the people's worked at it, but the antics, what we see, the disagreements, the public outbursts. This morning --. I spoke with Pat [Stringer] last night and I was quite honest on the phone that I didn't know what I planned to do here. This morning picking up the newspaper I read --, this is the type of comments that persuades me in the direction that all of them needs to go, the way things are presented. Quoting here from it says out of the Savannah Morning News this morning, "Both said they will likely sue should the County remove them." That's a direct negative, such stab you comment right there. This I believe came from Ms. Stringer. They're ignoring what is right under their noses. Just when they get hot why wouldn't they want to fire the whistle blowers? Again, worded differently, sitting down, you can say these type of disagreements without stabbing each other in the back. I still at this moment --, and I'll say this, Mr. Chairman. Your argument earlier almost makes me want to vote to keep them because I personally want to see Mr. Udinsky go. So now I'm really [inaudible]. I'm just being honest in letting my thoughts out here. I'm baffled really at this point and don't know what to do. I would like for this group to call for a staff's resolution to ask for the resignation of Mr. Udinsky and I would guess that this needs to continue for more discussion and someone needs to make a motion to hold a public hearing to show cause for removal for the entire board where this can continue, but at this moment I'm really not sure what I'm going to do because the end result I do --, and he's sitting there and it's hard to look at a man, I want to see Mr. Udinsky out of that office because I don't believe he's doing a good job, and that tends to make me want to keep the people that wants him, you know, wants him out of there. So, wholly in line with that --, well, I'll just stop there and I'll let someone else talk.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I'm going to use the argument that you already used when I wanted to get rid of Mr. Jayroe. You said that if we go to get rid of Mr. Jayroe, he's going to go to court and sue us, and we don't want to go through that. And you used that as your argument to me that we couldn't get rid of him, and now you're saying that it's all right to get rid of them and now the fact that they might sue us is a whole different item for you, Mr. Hair. We need to do the right thing. We've got the legal ability to cut the board back down to three members. You'll have one gentleman representing the African-American community, you'll have one woman representing the women of this community, and you'll have one white male representing the community. You'll have a fine mix of people. We should give them the opportunity to show us that they can work together. Again, I go back to these notes. Even with all the discord they had 48 unanimous votes on May 2<sup>nd</sup>, but the News-Press never reported that, 48 unanimous votes even when there's such bad trouble on this Board of Assessors. If you let those three people go together, they're going to work together just fine and they're going to continue to search for uniformity in this County, and when we need revenue to pay for the budget crunch next year, it'll be there. It'll be on the table. We won't have a budget crunch then because we'll have everything uniform. Properties that have not been paid will be paid, and we'll have enough revenue. You'll see probably a digest jump probably higher than three percent. That's what can happen if we allow them to have a chance and opportunity to work together. You owe them that chance. They've done a lot of hard work on their spare time for no money to find the truth. That's what we're talking about today is the truth.

Chairman Hair said, I want to make a comment and then I'll call on Commissioner Gellatly to make a comment. I –, you know, for somebody that's afraid of getting sued, I sure spend a lot of time in court. So I don't think I've ever been afraid of being sued. I get more subpoenas probably than anybody in Chatham County, but the point is I learned a lesson as a young soldier in Vietnam with Gen. Roberts, who said –, he taught me this. He said, "Before you defend a hill to the death, make sure the hill is defensible. Don't ever try to die on a hill that's not defensible." And I don't care who threatens to sue us, if I think my position is defensible, they could threaten to sue me all day long and that's fine, but if they threaten to sue me and I think our chances are zilch, then no I'm not going to die on that hill, and I think this idea that somebody is afraid of being sued I think is a false argument. Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, I just like to make this comment. I think if there was a threat to sue us if we asked for your resignation, that was an unfortunate statement and probably shouldn't have been made. On the other hand, I agree with Commissioner Rayno. I –, and Commissioner Kicklighter. I've given this a lot of thought over weeks and months and I don't think there's any real easy answer or any perfect answer or even a good answer, but I think that at this point in time I have a concern that if we were to ask for all the resignations that we would end up with five brand new people, all have to go to school, be State-certified and we'd be starting from square one and have no guarantees that we'd be any better off than we are today. I would prefer to see us get the three that are on there now and that they do –, they're representative of the community and that we have race and gender issues taken care of, and I would like to see the three of them be given a chance to work together and to work in a fair and equitable manner that would be in the best interest of everyone in this County, and failing to do that if they should go back to their bickering and what have you, I'd be the first one to make a motion that they all be removed. Commissioner Rayno said, and I'd be right there with you.

Chairman Hair said, all –, I'll call on Commissioner –, Commissioner Rivers and then Commissioner Murray.

Commissioner Rivers said, you know, I had an apprehension about replacing all five, and that was one of the reasons that I called for a reconsideration so we could use better judgment. I will not be a party to going down to three members when it's allegedly known that we have gotten information that Gary Udinsky will be fired. I think that amounts to conspiracy. We knowing what is going to happen before it happens, and I won't be a party to that. I won't be a party to a three-member board. I think this board should remain five and should remain with diversity that it has on it and I'm utterly against a three-member board. Now however we get rid of Mr. Udinsky, that board is responsible to do that. It's not in my purview. I might not like what Mr. Udinsky's doing, but if I have a problem then I need to send those problems to that board and let that board act accordingly. If that office is disruptive, then I would expect the people that we appoint to get it in order and everything that the State gave them and cited them on to be corrected, and I think we should give them a certain time frame to have all that corrected. There are problems out there. There were problems, I'm going to tell you right now, and this is a fact. Experience again. We replaced this board before. We adjusted the board, we adjusted the pay, we adjusted the time frame of the board serving, and here I am today eight, nine years later with the same doggone problem. It doesn't make any sense. So if Mr. Udinsky is the problem, then Mr. Udinsky needs to consider himself in all honesty of saying, hey, if they feel I'm the problem, let me get out of the way. And I'm not telling –, I'm not pro-Udinsky and I'm not a proponent to those who want him to go. I think the board has to do that. That's why there's a separation between the Commission and the Board of Assessors. Laws are set up for the Board of Assessors that we cannot usurp. We have gone through and changed the laws, but I think that in the beginning those laws were there to protect that assessors board to allow them to do their job, and we haven't liked the way they performed and we have a right not to appoint them. I think that we can even lower the time served if necessary to get a rotation. We could do it on a rotating basis of not having all appraisers to come out at the same time. So there's a lot of things I think we can do, but I do not adhere to a three-man board or anything of that nature.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I've listened to all the comments today, and I certainly listened to them at our last meeting. As a matter of fact, I was the one that put the –, had requested all the Board of Assessors to be present at our last meeting not knowing what was going to take place at that meeting, and at that time Mr. Hogan read his

statement and resigned from the Board of Assessors and then there was a motion made that we do the show cause hearing and go through this process. The votes were strongly up there. If I'm not mistaken, there was only person that voted against that motion. I still feel that we need to go through the process. That's not saying that people who will or will not have the cause to remove individuals from this board, but I feel it's important that we've started this process, we need to follow through with it, we need to have a show cause hearing at the next meeting, and if the cause is there, then fine we remove them. If the cause is not there, then we don't do it at that point, but I think we have to go through this process for that, and I will make a motion that we go through the show cause hearing at our next meeting.

Chairman Hair asked, do we have a second to the motion? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Murray, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and Gellatly voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioner Odell was not present; District Three was not represented.] Chairman Hair said, the motion passes.

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

Commissioner Murray moved that a hearing be scheduled for the next meeting of the Board of Commissioners to show cause why the members of the Board of Assessors should or should not be removed. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- 7. SECOND READING - AMENDMENTS TO CHAPTER 7 OF THE CHATHAM COUNTY CODE ENTITLED "TAXATION AND REVENUES" TO INCORPORATE THE CURRENT LAW.**  
**At meeting of November 2, 2001, item was tabled until the Board has an opportunity to sit down with the Board of Assessors to discuss changes to the Chief Appraiser's title.**

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

This item was not untabled for consideration by the Commissioners.

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### **IX. ITEMS FOR INDIVIDUAL ACTION**

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

- 1. REQUEST BOARD APPROVE YEAR END JUNE 30, 2001, FUND BALANCE RECONCILIATIONS BASED ON AUDIT, BUDGET AMENDMENT AND BUDGET ADOPTIONS FOR ENCUMBRANCES, CAPITAL PROJECTS/EQUIPMENT PURCHASES AND FUND BALANCE RESERVES AT YEAR END 2001 FOR ALL FUNDS.**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, this really is a companion issue with number two. Commissioner Rayno prior to the meeting asked me to explain it, which I will do briefly. I will also ask Mr. Tindol and Mr. Persaud to come forward after my brief explanation. Number one, essentially becomes our actual budget for Fiscal Year 2001. After the Finance Department closed the books, the auditors went through it. The individual account adjustments you see create that actual status. It is a ministerial act required to officially recognize the expenditures and revenues received for the County in its entirety for Fiscal Year 2001. Again, it's primarily a ministerial act. The issue of consequence obviously, and one in which I would stress, would be the second item, but again I'm available to discuss in greater detail number one and I would ask Mr. Persaud and Mr. Tindol to come forward in anticipation of questions on number two.

Chairman Hair said, well, if anybody has any questions, we'll have them available. Does anybody have any questions? Okay. We need a motion to approve this. Need a motion to approve. Commissioner Thomas said, so moved. Chairman Hair asked, second? No second? The motion dies for lack of a second. What's the -, is there any repercussion -. County Manager Abolt said, yes sir. We have not closed our books for 2001. Chairman Hair said, so we need a motion to approve it. Commissioner Murray said, I'll second the motion and I guess I do have some discussion. Chairman Hair said, okay.

Commissioner Murray said, this –, as I was looking through, we have a fund balance in the SSD. I don't know what that figure was. County Manager Abolt said, just shy of a million dollars. Just shy of a million dollars. County Manager Abolt said, just shy of a million dollars, and I see where down in item five we're going to spend \$500,000 of that. County Manager Abolt said, yes sir. Commissioner Murray said, okay, because just shy of a million dollars fund balance from June 30<sup>th</sup> of this year. County Manager Abolt said, as of June 30<sup>th</sup>. Commissioner Murray said, okay. And then the M&O –. County Manager Abolt said, it's a negative fund balance. Sir, I know –, I don't know where you're going and I don't want to assume I know. Number one is a stand alone issue closing the books, recognizing the line item adjustments. Number two is more –, possibly more fitting to discussion because that identifies in the Audited Comprehensive Financial Report and a recognition in the management letter from the standpoint of overall financial position.

Chairman Hair asked, does anybody else have any questions? We have a motion and a second on the floor. All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers, Odell and Kicklighter were not present; District Three was not represented.] Chairman Hair said, the motion passes.

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

Commissioner Thomas moved to approve the year end June 30, 2001, fund balance reconciliations based on audit, budget amendment and budget adoptions for encumbrances, capital projects/equipment purchases and fund balance reserves at year end 2001 for all funds. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers, Odell and Kicklighter were not present; District Three was not represented.]

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## **2. TRANSMITTAL OF THE COUNTY'S AUDITED COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR ENDED JUNE 30, 2001, AND THE CHANGES IN FINANCIAL CONDITION AND MANAGEMENT LETTER.**

Chairman Hair said, we have the County's Audited Financial Reports. Anybody have any –, this is basically for information purposes. Anybody have any –?

County Manager Abolt said, no, no. Well, at this time, sir, I would really ask, and again, because I've always wanted to underscore the importance of your relationship with your external auditor. This is not staff's work. It's staff work in response to the work of your external auditor, which is your major check and balance. I would not want this opportunity to pass if the Board wished to listen to Mr. Tindol and staff. Obviously in the management letter there are issues of concern alluding in part to what Commissioner Murray was referring to and the imbalance in the M&O budget, and there's also reference to an issue you've been championing as a group for a number of months, namely the payment by the State of Georgia for their rightful obligation for the Trade Center, but again it should not be me speaking, it should be Mr. Tindol addressing any questions you might have.

Chairman Hair said, I agree. We don't need to approve it, we just need –. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, a chief concern has been the fact that a lot of the accounts were not reconciled on time in the course of the year. Could Mr. Persaud answer why?

Chairman Hair recognized Mr. Persaud. County Manager Abolt said, sure, whatever y'all need. I would ask both Mr. Tindol and Mr. Persaud to come in the well. They could be a Huntley-Brinkley here. Chairman Hair asked, do you understand Commissioner Rayno's question?

Mr. David Persaud said, yes, Commissioner Rayno, typically we keep the books on a cash basis except for each quarter when we close the books and prepare the financial reports. At the year end it's not unusual for us to lag at least a month or two months in reconciliation especially in the revenue section when we convert the books from an accrual basis –, from a cash basis to an accrual basis, things like depreciation [inaudible].

Commissioner Rayno said, in terms of trying to determine whether or not funds are available for a particular project at any point in time, wouldn't that put us in a pretty bad position? Mr. Persaud said, no, it won't. Commissioner Rayno asked, why not? Mr. Persaud said, because approximately 60% of your revenues are driven property taxes. Most of those taxes are accrued at year end. We do have very good budgetary control and we do prepare quarterly financial reports. If there are any deviations in terms of the budgeted revenue versus the actual realizing the pro rata basis in terms of what the expectations are versus what has been realized, those are addressed in the quarterly financial report to you. Commissioner Rayno asked, is there any way to reconcile the books any quicker than you've been doing in the past? Mr. Persaud said, yes, we do, but there's some entries that will not accomplish any change in financial [inaudible] like depreciation. The accrual of all the revenues in the [inaudible] cannot be done until the external auditor has completed his independent audit in those various areas and he's here to comment on those issues. Some of the issues are beyond our control. Commissioner Rayno said, okay, we still have the problem with the decentralization of cash [inaudible]. Is that mostly in the judicial still? Mr. Persaud said, absolutely correct. Commissioner Rayno said, we have

budget salary overruns and departmental budget overruns. Was that caused by you saying the funds are available and then we vote for that or is it another reason? Mr. Persaud said, you may remember last year the budget as adopted was off by almost \$5 million with the expectations that there would be a six-months freeze to generate salary savings. In some cases we realized it and some case we did not. Commissioner Rayno asked, is there any way to correct that so we don't do it again next year? Mr. Persaud said, yes, have a balanced budget. Chairman Hair said, good. Very good answer, David [Persaud]. Any other questions, Commissioner Rayno? Commissioner Rayno said, one second. There was a problem with that Southside store and the fixed assets and inventory questions? What can we do to correct that so that doesn't happen again? Mr. Persaud said, I think the County's internal auditor is addressing that issue. I think what occurred there, there's a lot of obsolete items that was not properly written off. I don't have any reason to believe there was any irregularity or misrepresentation of loss of assets.

Chairman Hair said, but we are looking at that. County Manager Abolt said, we are looking at that with great detail, and also the Southside store is no longer there. This was one that you might remember the recommendations from the management study to eliminate. It was eliminated this past fiscal year and, again, as Mr. Persaud and Mr. White and I all believe, and that's assumption not a fact, that it was based on the lack of currency of what was in the store, but until Mr. White gets in there in detail, we'll not be able to answer it with specificity.

Commissioner Rayno said, I think we've got to be very tight on our asset allocations and record keeping, especially in light of the fact that we have GASB 34 – County Manager Abolt said, yes sir. Commissioner Rayno said, upon us. County Manager Abolt said, yes sir. Mr. Persaud said, said that store has been closed so those problems shouldn't occur again.

Chairman Hair asked, any other questions? Okay. Anybody else have questions? Okay, thank you. Thank you very much, Mr. Tindol.

**ACTION OF THE BOARD:**

Received as information.

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**3. REQUEST BOARD APPROVAL TO COMPENSATE EMPLOYEES WHO HAVE BEEN CALLED TO ACTIVE DUTY DURING TIMES OF NATIONAL EMERGENCY CRISIS.**

Chairman Hair said, I think this is fairly standard. I'll entertain a motion to approve. Commissioner Murray said, so moved. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.] Chairman Hair said, the motion passes. No one would be opposed to that.

County Manager Abolt said, I'm very proud of what you've just done.

**ACTION OF THE BOARD:**

Commissioner Murray moved to compensate employees who have been called to active duty during times of national emergency crisis the difference in their government pay and their County salary. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.]

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**4. REQUEST BOARD AUTHORIZE BUDGET TRANSFERS BETWEEN PROJECTS IN THE NETPLAN BUDGET AND TO CHANGE THE NAME OF ONE PROJECT FROM DATA NETWORK UPGRADE OLD COURTHOUSE TO DATA NETWORK UPGRADE.**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, this is routine; however, it has to appear before you as a budget issue. Mr. Leonard's in the audience to answer questions?

Chairman Hair asked, any questions? If not, I'll entertain a motion to approve. Commissioner Murray said, so moved. Chairman Hair asked, second? Commissioner Gellatly said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Murray moved to authorize budget transfers between projects in the NetPlan budget and authorized changing the name of one project from Data Network Upgrade Old Courthouse to Data Network Upgrade. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.]

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**5. AUTHORIZATION TO PURCHASE VEHICLES IN THE SPECIAL SERVICE DISTRICT FROM UNDESIGNATED SSD FUND BALANCE, NOT TO EXCEED \$500,000.**

County Manager Abolt said, Dr. Hair, Dr. Thomas, this is, as Commissioner Murray alluded to, the source of concern in the audit was the M&O budget, not the SSD budget. The SSD budget is in relatively good shape. The only exception to that and comment on my part has to do with the condition of our fleet. As you recall, early on in this year because of a reasonably healthy contingency in SSD I came to you and asked that we begin to replace some of these terribly worn out vehicles with the fund balance and also understanding your policy of taking half of new-found money, if that's the proper term, and putting that in the fund balance, I thought it was safe. given the life of the —, the age I should say of the equipment arrayed before you in Special Service District, it would be sufficient if you chose to draw down approximately half of your fund balance and replaced the vehicles listed by Mr. Lynch.

Chairman Hair said, I'm going to vote for this, but I've got a problem, and this came up in court yesterday. You know, what we're doing is because we happen to have money in one fund balance, we're taking quite frankly, let's be honest about it, we're taking better care of those departments than we are the M&O departments because we don't have money, and I don't think you should punish a department because it happens to be funded, but I think it probably indicates that we need to look long term at maybe how we fund these departments and if there's any possible way of shifting portions of funding from one to the other because, I mean, I think clearly what this does it puts the SSD departments in a much better position to buy capital equipment than it does the M&O departments. County Manager Abolt said, no question. Chairman Hair said, and I think that's wrong, but, I mean, I'm going to support this. I don't think they all should be punished for it, but I've got a real problem with that.

County Manager Abolt said, permit me on this. I mean, I think I've mentioned this to you before. It's my philosophy and I don't mean to be folksy about it, but first of all you are the city council for the second largest city, and that's Chatham County. You have a very serious responsibility as we all know in the area of police. If you look at the mileage on those vehicles, both currently and at the end of the year, obviously I think your choice, just as the Chairman said, but also there's a philosophical issue, you know, and again this is not to be folksy, but not, as a parent if we have one child that's sick and one child is well, to make the well child sick does not make the sick child any better.

Chairman Hair said, I understand that, Russ [Abolt], and you said that before, and I don't disagree with that statement, but what I'd like to see us do is maybe this could also be something the attorney could help with, since he doesn't have anything else to do, I want to give a bang for my buck, but, I mean, seriously I think this might be a time to look at funding in certain departments, and, I mean, even if you could shift 5% of the funding from SSD to M&O or 2% or whatever. I mean, legally I'm talking about, I think we need to do that because, I mean, I think if legitimately we could do that, we ought to look at that. Commissioner Rayno asked, what prevents us legally from doing it? Chairman Hair said, well, right now it has to do with where the service is provided and where you take the tax money from. County Manager Abolt said, that's correct. Chairman Hair said, but I —.

Tax Commissioner Danny Powers said, I collect taxes in the Special Service District. Chairman Hair said, well, you know, Danny [Powers] is raising a good point. I mean, that's the kind of thing that needs to be looked at. All I'm saying is let's don't come back here each year and have this imbalance. You know, I would like to see it at least philosophically, Mr. Hart, if you could maybe look at that and see if it would be possible of doing it, and, I mean, I think in some cases even if you just shifted small percentages. I mean, you know, for overhead or whatever, if you just did 5% or something to an M&O department. I just think it needs to be looked at because, you know, I agree, you don't punish a sick child for the well child, but at the same time let's see if we can make the sick child a little healthier. You know, that's my point, you know, and so I don't have to do this every year to punish the well child for the sick child. Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, that is very well taken. That is the reason why we mentioned at the last meeting, I think Commissioner Rayno and I and Gellatly, I believe, requested that we begin the budget process as soon as possible, perhaps the first of the year dealing with departments, department by department, and then that would give us a better situation then of looking at the budget for the next year.

Chairman Hair said, okay. I'll entertain a motion to approve. Let's get it on —. Commissioner Murray said, yes, I'll move to approve it. Chairman Hair asked, second? Commissioner Thomas said, second. Commissioner Murray said, but I did want to make some comments. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Russ [Abolt], I would also request that we don't come up --, I think we need the vehicles, you and I talked about that, but I'd like to see us hold off on spending any more funds out of that until we all have a chance to look at it. County Manager Abolt said, I won't touch it, sir. Commissioner Murray said, another thing I'd like to say, and I agree with the Chairman on the point that the attorney can look at it; however, you know, we have an M&O and we have an SSD. The SSD is taxed based on that, just as the City of Savannah taxes their people, that's what our SSD tax is, and those funds are paid from the people in the unincorporated area. If there's some way to break it down where, as the Tax Commissioner just said, if he collects for it, then we fund a portion of that office as we've done in some of the sales tax projects that go on, then that's one thing, but just to say that we're going to take because the SSD --, maybe the millage rate doesn't need to be high --, this high in the SSD.

Tax Commissioner Powers said, another point also too --, I didn't mean to interrupt you, but I've got two departments that are basically located in the SSD, out with the Police Station and the one --. Chairman Hair said, that's the kind of thing I think that needs to be looked at.

Commissioner Murray said, so those --, and I don't have a problem looking at that because we do use some of those services, but I think we have to be very careful when you start trying to break it out.

Chairman Hair recognized Youth Commissioner Daniel.

Youth Commissioner Daniel asked, what does SSD mean? Chairman Hair said, Special Service District. We basically have two funding sources in Chatham County. We have what's called an M&O or Maintenance and Operations, and that's basically countywide, and then we have SSD, which is basically the unincorporated areas for certain services. So it's just a special taxing district. The idea is we tax the people that's getting that service. If they don't get the service, we don't tax them.

Chairman Hair said, we have a motion and second to approve. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.] Chairman Hair said, the motion passes.

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

Commissioner Murray moved to approve the transfer of \$500,000 from SSD Undesignated Funds to CIP--Vehicle Replacement to replace seventeen police vehicles and five Public Works vehicles. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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### **X. ACTION CALENDAR**

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

Chairman Hair said, that takes us to the Action Calendar. Does anybody want to pull anything off the Action Calendar? Commissioner Thomas said, I want to ask on #4. Chairman Hair said, okay, Dr. Thomas, #4. Anything, anybody else? Commissioner Murray said, A. Chairman Hair said, A. Anybody else? Commissioner Murray asked, what did you pull? Chairman Hair said, she pulled 4. Commissioner Murray said, F and G. Chairman Hair said, F and G. Okay, anything else? I'll entertain a motion to approve the balance of the Action Calendar.

Commissioner Kicklighter said, so moved. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.] Chairman Hair said, the motion passes.

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

Commissioner Kicklighter moved that the Action Calendar be approved in its entirety with the exception of Items 4, 16-A, 16-F and 16-G. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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

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**1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON NOVEMBER 2, 2001, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the minutes of the regular meeting on November 2, 2001, as mailed. - Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD OCTOBER 25 THROUGH NOVEMBER 7, 2001.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved that the Finance Director is authorized to pay claims for the period October 25, 2001, through November 7, 2001, in the amount of \$1,012,805. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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**3. REQUEST BOARD APPROVE A CONTRACT WITH RECOVERY PLACE OF SAVANNAH FOR A DRUG COURT. THE COUNTY WILL BE REIMBURSED 100% FOR BILLS SUBMITTED BY RECOVERY PLACE OF SAVANNAH BY WAY OF A GRANT FROM THE CRIMINAL JUSTICE COORDINATING COUNCIL.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve a contract with Recovery Place of Savannah for a drug court (Chatham County to be reimbursed 100% for bills submitted by Recovery Place of Savannah). Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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**4. REQUEST BOARD APPROVE EARLY ACQUISITION OF THE PROPERTY OWNED BY MR. AND MRS. RUFUS H. BLYLER, 1230 WEST VICTORY DRIVE FOR THE WIDENING OF U.S. 80 (OGEECHEE ROAD) FROM I-516 (LYNES PARKWAY) TO VICTORY DRIVE.**

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, the only question I wanted to ask, these properties owners have they agreed to this or do they have some opposition to this? County Manager Abolt said, as I understand the early acquisition, they requested based on hardship and [inaudible] issues. Commissioner Thomas asked, they have agreed to --? County Manager Abolt said, by it's very definition it would have to come from the --. Commissioner Thomas said, oh, okay.

Chairman Hair said, I'll entertain a motion to approve. Commissioner Thomas said, I move to approve. Chairman Hair asked, second. Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the early acquisition of property owned by Mr. and Mrs. Rufus H. Blyler, 1230 West Victory Drive for the widening of U.S.80 (Ogeechee Road) from I-516 (Lynes Parkway) to Victory Drive. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- 5. **REQUEST FROM THE ENGINEER FOR THE DEVELOPER, INTERNATIONAL PAPER REALTY, TO RECORD THE SUBDIVISION PLAT FOR BERWICK PLANTATION, PHASE 2, WHICH CREATES THE SECOND SECTION OF BERWICK BOULEVARD, ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE AND WAIVE THE REQUIREMENT FOR A STREETLIGHTING DISTRICT.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the request from engineer for the developer, International Paper Realty, to record the subdivision plat for Berwick Plantation, Phase 2, which creates the second section of Berwick Boulevard, accept the subdivision agreement and financial guarantee and waive the requirements for a streetlighting district. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- 6. **REQUEST FROM STEVENSON & PALMER, ENGINEER FOR THE DEVELOPER, TO RECORD THE SUBDIVISION PLAT FOR BETZ CREEK, PHASE 6C, APPROVE THE CONSTRUCTED IMPROVEMENTS, ACCEPT THE MAINTENANCE AGREEMENT AND FINANCIAL GUARANTEE, AND RECOMBINE THE SUBDIVISION INTO THE EXISTING STREETLIGHTING ASSESSMENT DISTRICT.  
[DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the request from Stevenson & Palmer, engineer for the developer, to record the subdivision plat for Betz Creek, Phase 6C, approve the constructed improvements, accept the maintenance agreement and financial guarantee, and recombine the subdivision into the existing streetlighting assessment district. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- 7. **REQUEST FROM SOUTHBRIDGE DEVELOPMENT CO., THROUGH THEIR AGENT, THOMAS & HUTTON ENGINEERING, TO RECORD THE FINAL PLAT FOR SOUTHBRIDGE, PHASE 16B, ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE, AND RECOMBINE THE SUBDIVISION INTO THE EXISTING STREETLIGHTING ASSESSMENT DISTRICT.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the request from Southbridge Development Co., through their agent, Thomas & Hutton Engineering, to record the final plat for Southbridge, Phase 16B, accept the subdivision agreement and financial guarantee, and recombine the subdivision into the existing streetlighting assessment district. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- 8. **REQUEST FROM ENGINEER FOR RANDE DUKE CONSTRUCTION, INC., DEVELOPER, TO APPROVE THE CONSTRUCTION OF THE REQUIRED IMPROVEMENTS, REDUCE THE SUBDIVISION BOND TO 50% OF CONSTRUCTION COSTS AND INITIATE THE TWELVE MONTH WARRANTY PERIOD FOR OAKLANE SUBDIVISION.  
[DISTRICT 6.]**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the request from engineer for Rande Duke Construction, Inc., developer, to approve the construction of the required improvements, reduce the subdivision bond to 50% of construction costs and initiate the 12-month warranty period for Oaklane Subdivision. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- 9. REQUEST BOARD ADOPT A POLICY FOR THE ICS DEPARTMENT TO PURCHASE WINDOWS TERMINALS INSTEAD OF PERSONAL COMPUTERS AND TO "LOCK DOWN" PERSONAL COMPUTERS TO ENHANCE SECURITY AND PREVENT NON-BUSINESS USE AND TO FURTHER AUTHORIZE THE ICS DIRECTOR TO RECEIVE AND APPROVE ALL REQUESTS FOR EXEMPTIONS TO THESE STANDARDS.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to adopt a policy to purchase Windows Terminals instead of Personal Computers and to "lock down" Personal Computers to enhance security and prevent non-business use, and to authorize the ICS Director to receive and approve all requests for exemptions to these standards. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- 10. REQUEST BOARD APPROVAL TO DECLARE AS SURPLUS AND OFFER FOR SALE A SUBSTANDARD SIZED LOT ON PAIGE STREET IN THE CITY OF SAVANNAH.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to declare as surplus and offer for a sale substandard sized lot at 0 Paige Street (PIN 2-0673-06-010), Lot 376, Tremont Park, in the City of Savannah. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- 11. REQUEST BOARD AUTHORIZE CONVEYANCE BY QUIT CLAIM DEED A REMNANT OF PARCEL 236-R, 1514 E. 57<sup>TH</sup> STREET, TRUMAN PARKWAY, PHASE I.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to authorize conveyance by quitclaim deed to Josh Pierce, Executor of the Estate of Myrtle Pierce Potter, a remnant (1,307 square feet) of Parcel 236-R, Truman Parkway Phase I, located at 1514 East 57<sup>th</sup> Street. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- 12. REQUEST BOARD RECOGNIZE ADDITIONAL REIMBURSEMENTS FOR A 4.5% RAISE FOR A STATE FUNDED POSITION IN LIBERTY COUNTY.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the request of the C-E-L Regional Library to adjust the Library's revenue and expense budget by \$1,510 to recognize additional reimbursements for a 4.5% raise effective September 1, 2001, for a State-funded position in Liberty County to be fully funded by the State of Georgia and Liberty County. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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**13. REQUEST BOARD APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT AUTHORIZING GATEWAY COMMUNITY SERVICES TO PURCHASE FUELS FROM CHATHAM COUNTY.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve an Intergovernmental Agreement authorizing Gateway Community Services (CSB) to purchase fuels from Chatham County. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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**14. REQUEST BOARD APPROVE THE 2002 HOLIDAY CALENDAR.**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the County's 2002 Holiday Calendar as follows: New Year's Day - January 1; Martin Luther King, Jr. Day - January 21; George Washington's Birthday (President's Day) - February 18; Memorial Day - May 27; Independence Day - July 5; Labor Day - September 2; Veteran's Day - November 11; Thanksgiving (2 days) - November 28 and 29; Christmas Eve - December 24; Christmas Day - December 25. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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**15. REQUEST FOR NEW BEER AND WINE AND SUNDAY SALES POURING LICENSES FOR 2001. PETITIONER: NAM MA, D/B/A KANPAI JAPANESE RESTAURANT, LOCATED AT 140 JOHNNY MERCER BOULEVARD, SUITE A. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the petition of Nam Ma, d/b/a Kanpai Japanese Restaurant, located at 140 Johnny Mercer Boulevard, Suite A, for new beer and wine and Sunday sales pouring licenses for 2001. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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**16. 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. First renewal option to annual contract to provide inmate health care and increase the annual base rate	Detention Center	Prison Health Services	\$2,700,525.14 plus \$2.40 per diem for each prisoner over the base population of 1300 inmates	General Fund/M&O - Detention Center (Budget is approximately \$712,566 short for FY 2001-2002)

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
B. Cisco network infrastructure	ICS	Entré Solutions (MBE)	\$125,703.87	CIP - NetPlan 2000 projects (Pending Board approval of transfer between projects)
C. Deductive Change Order No. 2 to the contract to provide monthly and bi-weekly pest control service for the discontinuation of the five EMS sites	Various	Ideal Pest Control	(\$1,800)	General Fund/M&O - Various
D. Annual contract with automatic renewal options for two additional one year terms to provide trash collection and dumpster services	Various	Republic Waste	\$31,862.16	•General Fund/M&O - Various •SSD - Various
E. Annual contract with automatic renewal options for two additional one year terms to provide various uniform and uniform accessories	•Sheriff •Detention Center •Police	•Frank's Uniforms •Uniforms by Patrick •West Chatham Warning Devices •Faith N' Begorrah •Uniforms Plus •Southeastern Public Safety •Smyrna Police Distributors •Uniforms 911 •Designlab, Inc. •Calhoun Uniforms •Davis and Stanton Police Awards •E-Z Cuff, Inc.	Varies by Item	•General Fund/M&O - Sheriff •General Fund/M&O - Detention Center •SSD - Police
F. Change Order No. 2 to the contract for the construction of Phase II Improvements to the Placentia Canal for widening, grading and other improvements to the Canal	SPLOST	ARCO, Inc.	\$119,797	SPLOST (1998-2003) - Drainage - Placentia Canal
G. Change Order No. 3 to the contract for the construction of Phase II Improvements to the Placentia Canal for additional soil support	SPLOST	ARCO, Inc.	\$93,895	SPLOST (1998-2003) - Drainage - Placentia Canal
H. Change Order No. 3 to the design contract for widening Whitfield Avenue and Diamond Causeway for updating the concept validation report	SPLOST	Thomas & Hutton	\$10,500	SPLOST (1993-1998) - Whitfield Avenue and Diamond Causeway
I. Annual maintenance agreement for software and software upgrades	I.C.S.	Georgia Department of Administrative Services (sole source)	\$71,915.66	General Fund/M&O - I.C.S.
J. Final renewal option to annual contract to provide appraisals of damaged vehicle claims for Chatham County	Finance	Mark Services	Varies by service provided	Claims & Judgments
K. First renewal option to annual contract to provide an employee assistance program for employees and their dependent families	Human Resources	LifeStyle Management Resources, Inc.	\$9.41 per employee per year (no change from current contract amount)	General Fund/M&O - Human Resources
L. Traffic sign graphics computer system	Public Works	Traffic and Parking Control Company, Inc.	\$14,239	SSD - Public Works

**As to Items 16-B through 16-L, except Items 16-F and 16-G:**

Commissioner Kicklighter moved to approve Items 16-B through 16-L, except Items 16-F and 16-G. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

**As to Item 16-A:**

**First renewal option to annual contract to provide inmate health care and increase the annual base rate; Detention Center; Prison Health Services; \$2,700,525.14 plus \$2.40 per diem for each prisoner over the base population of 1300 inmates; General Fund/M&O - Detention Center (budget is approximately \$712,566 short for FY2001-2002)**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, my only question was is this higher or lower or the same as it was last time? Mr. George Lynch said, it is 4.6% higher than last year. That is part of the contract which indicates –. Chairman Hair said, that's allowed under the contract. Mr. Lynch said, that it'll be predicated on the CPI medical. Commissioner Murray said, which also puts us in a \$712,000 shortfall to the budget. Mr. Lynch said, I shall let my friends step forward. County Attorney Hart said, that and the per diem is the problem. Sheriff St. Lawrence said, that's part of the budget cutback very frankly. However, it's a contract that you approved, authorized the Chairman to sign, and it's also a constitutional standard, so I don't know what to tell you. I can't do without medical. Commissioner Murray said, I'm not asking you to do without medical, I'm just asking questions because this is one of the things that came up in the court case that Commissioners are getting all the blame on, but we took y'all's recommendation the last time to approve it. So I'm not trying to tell you you shouldn't have this –. Sheriff St. Lawrence said, you took our recommendation –. Commissioner Murray said, I'm just asking whether it's higher or lower than last year. Sheriff St. Lawrence said, it's higher because on the rollover. On the one-year rollover, Commissioner Murray, they're allowed to add like the CPI and [inaudible] to that. County Attorney Hart said, the other thing that's affected price on that is the prison population gets up above 1,300 and we get the kicker on that. Commissioner Murray said, that's fine. My question's been answered.

Chairman Hair said, I'll entertain a motion to approve. Commissioner Kicklighter said, so moved. Chairman Hair asked, second? Commissioner Gellatly said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.] Chairman Hair said, the motion passes.

**As to Items 16-F and 16-G:**

- F. Change Order No. 2 to the contract for the construction of Phase II Improvements to the Placentia Canal for widening, grading and other improvements to the Canal; SPLOST; ARCO, Inc.; \$119,797; SPLOST (1998-2003)**
- G. Change Order No. 3 to the contract for the construction of Phase II Improvements to the Placentia Canal for additional soil support; SPLOST; ARCO, Inc.; \$93,895; SPLOST (1998-2003)**

Commissioner Murray said, we can take F and G together. Chairman Hair said, okay. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I was looking at this last night and I understand we have to have change orders, but here we're talking over \$200,000, a little over \$200,000 in change orders on a project that is not that old. I mean, how many more are we going to have and how much money was set aside for all these change orders? Mr. George Lynch said, let me if I could answer your question as to why, sir. At the time that the contract for the Placentia Canal Improvement was awarded it was recognized that we did not have access to approximately 1,500 linear feet at the end of where our work would be. We couldn't get into it at that time. We also were not sure that there would be a residual problem of siltation if we didn't. As a consequence, the contract was awarded to do the improvements on Placentia Canal in the area we knew had to be done where we had access. This other was left. We have now got a right of access one time and we have found that the siltation downstream in the area of the tidegate, et cetera, simply can't be tolerated. Now that's the reason for \$119,000 in change orders. We have found we had to get in and do it. The Change Order 3 that you see is a soil condition, which simply was not identified. We have that problem in a lot of places. It did not provide sufficient capability to keep your sheet piling up. This goes in and says here's how we solve the problem. Can I –.

Commissioner Murray said, move for approval. Chairman Hair said, motion to approve. Commissioner Kicklighter said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The Clerk asked, who seconded that? Commissioner Kicklighter said, I will. Chairman Hair said, Commissioner Kicklighter. Didn't you hear that, Sybil [Tillman]. The Clerk said, I did the now. Chairman Hair said, oh, okay. Commissioner Kicklighter said, I did it in sign language. The motion carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

**ACTION OF THE BOARD:**

1. Commissioner Kicklighter moved to approve Items 16-B through 16-L, except Items 16-F and 16-G. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]
2. Commissioner Kicklighter moved to approve Item 16-A. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]
3. Commissioner Murray moved to approve Items 16-F and 16-G. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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**XI. FIRST READINGS**

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

1. **DELETE CHAPTER 14 OF THE COUNTY CODE, ARTICLE II, SECTIONS 14-201 THROUGH 14-241 ENTITLED "SAVANNAH ECONOMIC DEVELOPMENT AUTHORITY." THESE PROVISIONS ARE REGULATED BY STATE LAW. NOTE: This does not affect SEDA.**

**ACTION OF THE BOARD:**

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

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**XII. SECOND READINGS**

See "Tabled Items" for additional Second Readings.

1. **AMEND SECTION 3, GENERAL PROVISIONS, OF THE CHATHAM COUNTY ZONING ORDINANCE TO CREATE A NEW SECTION 3-12, VISUAL BUFFERS AND SCREENING. THE MPC RECOMMENDED APPROVAL. (SEE ADDITIONAL REPORT FROM COUNTY STAFF DEALING WITH ENFORCEABILITY ISSUES.) COUNTY STAFF RECOMMENDS REFERRAL BACK TO MPC TO COME UP WITH MORE ENFORCEABLE STANDARDS. MPC FILE NO. Z-000830-30934-1 [NO DISTRICT - TEXT AMENDMENT - UNINCORPORATED AREA .]**

Chairman Hair said, the County staff recommends referral back to MPC to come up with more enforceable standards. Does anybody want to entertain a motion to send it back? Commissioner Kicklighter said, I so move. Chairman Hair asked, second? Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to send back to the MPC to come up with more enforceable standards the proposed amendment to Section 3, General Provisions, of the Chatham County Zoning Ordinance, to create a new Section 3-12, Visual Buffers and Screening. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- 2. THE PETITIONER, JOHN S. KERN, P.E., AGENT (FOR ROMAR DEVELOPMENT, LLC, OWNER), IS REQUESTING THAT A 277 ACRE PARCEL OF UNDEVELOPED LAND LOCATED EAST OF U. S. HIGHWAY 17 SOUTH AND SOUTH OF CHEVIS ROAD BE REZONED FROM AN R-A (RESIDENTIAL-AGRICULTURE) TO A PUD-M-5 (PLANNED UNIT DEVELOPMENT, MULTI-FAMILY) TO ALLOW SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT. THE MPC RECOMMENDED APPROVAL. MPC FILE NO. Z-010904-32195-1 [DISTRICT 6.]**

Chairman Hair said, I'll entertain a motion. Second? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.] Chairman Hair said, the motion passes. The Clerk said, I missed both of those, the motion and the second. Commissioner Murray said, I made a motion to approve it. Chairman Hair said, you better pay attention, Sybil [Tillman]. The Clerk said, I didn't hear it, I'm sorry. Commissioner Murray asked, have you got ear plugs? Commissioner Kicklighter said, I think Rayno seconded that one. Commissioner Rayno said, I didn't do anything. Commissioner Murray said, I made a motion to approve. Commissioner Kicklighter said, I'll second it. The Clerk said, okay, thank you.

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve the petition of John S. Kern, P.E., Agent (for Romar Development, LLC, Owner), requesting that a 277-acre parcel of undeveloped land located east of U. S. Highway 17 South and south of Chevis Road be rezoned from an R-A (Residential-Agriculture) to a PUD-M-5 (Planned Unit Development, Multi-Family) to allow single-family and multi-family residential development. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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- 3. ADOPT THE COMBINED SEWER DISPOSAL AND INDUSTRIAL WASTEWATERS ORDINANCE AND APPROVE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SAVANNAH TO ADMINISTER THE INDUSTRIAL PRETREATMENT PROGRAM FOR CHATHAM COUNTY.**

Chairman Hair said, I'll entertain a motion to approve. Commissioner Rayno asked, could I ask a question please. Chairman Hair said, well, let's get a motion to approve. Somebody want to --? Commissioner Kicklighter said, I so move. Commissioner Thomas said, second. Chairman Hair recognized Commissioner Rayno. He's got a question. Commissioner Rayno said, get your finger off that button. Commissioner Murray said, Sybil [Tillman] can't hear me so somebody else has to make the motion. Chairman Hair said, okay, Commissioner Rayno, let's go.

Commissioner Rayno asked, are you in a hurry? Chairman Hair said, yes, actually I am. Commissioner Rayno said, turn to page 12 of the ordinance please, Section E. "At such time as a Public Sewer becomes available (within 200 feet) to a dwelling served by a Private Sewage Disposal System, as provided in § 15-101(III)D, the dwelling owner, at his expense, shall have a direct connection made to the Public Sewer in compliance with this ordinance within ninety (90) days of notice to the owner by the County of the availability of such service, and any private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with bank run gravel or soil." That's a whole lot of little time for a homeowner who might not have the money to hire a septic tank company to come in and swab it out and hire somebody to go to Martin Marietta to get the gravel to come fill it back in, hire a landscaping company to come in and fix the ground after it's all done, hire a plumber to hook up to the County system, probably to the tune of about \$5,000. Any homeowner out there that makes \$25,000 or \$35,000 a year, that's a big chunk out of their family budget. I think it would be more reasonable to give them at least 180 days. County Attorney Hart said, well, I've got --. Chairman Hair said, okay, Mr. Hart. Have you got a comment? County Attorney Hart said, two things I could say to that: One, that's what the City ordinance says, that's what the County ordinance says; three, we borrow Federal funds. They also tell us that's one of the things they want. They don't want to put money in public water and sewer systems and then not have people hook up to it.

Chairman Hair said, it goes --, it's consistent with Federal --. County Attorney Hart said, if you want the money, you've got to have the provision. Chairman Hair said, let Commissioner Rayno finish and I'll give you --. Go ahead, you still have the floor.

Commissioner Rayno said, well, I'm just saying that, you know, what if they don't comply, then all of sudden you start fining them? County Attorney Hart said, we have that very situation right now on Isle of Hope, okay, where this County spent several million dollars putting in a water and sewer system, okay, and we have a situation where 90% of the people out there hooked up and we've got about 10% that have refused to hook up. Very shortly in the next several months we're going to be coming before you with about 35 homeowners that we're going to ask for them to be cited in Magistrate Court to show cause why they should not hook up, and the reason for that is very simple. This Commission

took public money and put it into a public sewer system that was requested by the majority of the homeowners out there and now we've got a system that we've got to pay for and no revenue source for that water system to pay for it. So indirectly those people are costing other people money. Some people are abiding by the law and some people aren't. Commissioner Rayno said, in one instance you told us it's okay to supercede State law because we have the discretion to do that and this you're saying we can't supercede a Federal law. County Attorney Hart said, I think we're mixing apples and oranges there really. The statute that you're referring to for the State law statute said that this is the State standard and the local municipality can set a stricter standard. Okay? That was –, that was what we were talking about before. Here we're talking about a statute that says if you want our money, there are certain things we're going to expect y'all to do to stay within compliance to qualify. Commissioner Rayno said, so we become like a hit man mafia who says if you can't afford \$8,000, we're going to put all types of legal pressure on you now and essentially take your property just like before. County Attorney Hart said, I don't know what the characterization of that, I'm just telling you what the law is. Commissioner Rayno said, well, I'm offended by it if that's for poor people that can't afford to hook up to the system. It's going to affect people in Dr. Thomas' district, and Joe's [Rivers] district and I know some of the people in my district. They're not going to be able to come up with \$8,000 in 90 days. I don't even think I could do that right now. County Attorney Hart said, I don't know that –, you know, the statute is written as 90 days. I don't know of an instance, a single instance that if somebody has come to the County, and I can't speak for the City, and said, look, I can't hook up within 90 days and these are the following reasons, that there hasn't been a grace period to be willing to do that, but I do think you've got to be very, very careful about making major utility improvements, which I might add are generally requested by the majority of the people living in that particular area, expending the money basing that capital improvement based on the revenue that you're going to receive out of it, and then allow people not to hook up to the public system. I might also add that the public utility system that we put in most of these water and sewer situations is much safer, much cleaner and there's a health issue involved in there. If you had, you know, the County Health Department have it's druthers, it would probably wish that we'd run water and sewer to every house within the entire County, which I recognize is impractical. Commissioner Rayno said, the fact remains that it's a money maker for this County and we know that. It becomes an enterprise fund that become very profitable and again, like I say, we become like a hit man and say if you don't sign up into our system, we're going to really penalize you bad, and even though we do currently offer a grace period, it's not to say that just because we're nice guys that the folks who come behind us aren't going to be as reasonable or nice, we've got something on the folks and they can become the hit men that I'm talking about. To me that's a problem.

Commissioner Rivers said, Madam Chair. Vice Chairman Thomas said, yes. I'm sorry, it's Kicklighter and then –.

Commissioner Kicklighter said, I definitely understand where you're coming from, Commissioner Rayno. I kind of faced this out in Garden City when we extended the water and sewer lines. County Attorney Hart said, exactly. Commissioner Kicklighter said, but what basically I believe the ordinance is in place for is not to really say you have 90 days to do it, but infrastructure could not be extended anywhere if this ordinance wasn't in place because you would have maybe half the people that wouldn't tap in and then it would take the taxpayer's money and lose a lot of the taxpayer's, you know, lose your money there, and what –, by extending it out you actually promote the growth in the area to eventually, yes, help the tax digest out and everything, but it's not –, it's not something that they've got in there –. I know it wasn't in Garden City, and you say you have 90 days to do it. It's just a little safeguard to protect the taxpayer's money that when we invest millions of dollars in water and sewer lines going out that we are going to at least reimburse the taxpayer's money a little bit to offset the cost of extending that service, and again I can't imagine Chatham County running out and jumping on someone like that, but it is a safeguard in place to –, just in case everyone in the whole area decided not to tap in for whatever reasons –. Chairman Hair said, and actually –. Commissioner Kicklighter said, and lose a ton of money that way.

Chairman Hair said, in bonding situations you can't even bond unless that provision is there they won't let you do that. Commissioner Murray and then Commissioner Rivers.

Commissioner Murray said, yes, I think the one at Isle of Hope that you brought up, if I'm not mistaken, when the County does this those people have X-amount of time and the County sets up a plan for them to pay. It doesn't have to all be paid at one time. County Attorney Hart said, correct. This is truly not to punish anyone. It's –. Commissioner Murray said, the one at Isle of Hope now has been a couple of years since that project's –. County Attorney Hart said, they've been written repeatedly about it and 90% of the people out there have graciously complied with the request and we've had two or three people that have had legitimate reasons why they've had a problem doing it right away and, you know, adding on to the house and not wanting to make the change till the addition to the house was added. Commissioner Murray said, well, I can understand people not wanting to do it if, in fact, they're not having problems with their septic tank and the sewer lines are put down. At the same time, that is our ordinance and that's what is in there and I don't know of any case either where we have gone 90 days and started trying to pursue it. County Attorney Hart said, Commissioner Kicklighter has put his finger right on the issue there. It's –, you can't make these kind of capital improvements without some reasonable expectation that you're going to be able to financially support them, period.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, the only question that I have is that we have the opportunity to waiver that 90 days and if you feel that that's a problem, what would be wrong with 120 to 180 days if you've got problems with it? Chairman Hair said, I think we already discussed that earlier. County Attorney Hart said, I don't have a problem with that. The State regulatory provisions on a lot of these things require 90 days and some of the Federal financing requirements can require

90 days. It's just easier to grant them a waiver than to change the ordinance. Chairman Hair said, yes, that's make a lot -. County Attorney Hart said, because somebody comes in and says you're not in compliance or say we wanted to go out and borrow a bunch of money to put this super system in, we'd probably have to go back and change the ordinance to match that anyway.

Chairman Hair said, yes, I think as long as we cover the waivers, I agree. Commissioner Rayno asked, could that be written into the ordinance in a financial hardship situation to give a waiver for an additional 90 days? Chairman Hair said, I don't know if you could put that in the ordinance or not? Do you? Commissioner Rivers said, we couldn't put that -. County Attorney Hart said, as a rule we have not. Generally speaking, if the person comes up with a legitimate reason, you know, we grant it. Chairman Hair said, I can understand where Commissioner Rayno is coming from, but I, you know, again let's don't create more rules if we don't have a problem. I mean, let's deal -, if it becomes a problem, let's amend it at that time. I think that would be my way I'd like to see us do that.

Commissioner Rayno said, I have one other issue with this ordinance and it's C, page 13. It says, "A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot . . ." My understanding of this is if you have two or three buildings on a lot, with the exception of where's one right behind the other one, you would have to have a separate sewer system for each one. Is that the interpretation of that? Mr. Robert Drewry said, no, in this reference I believe they're referring to building sewers -, private sewer as a lateral. They don't want laterals extend -, do a bunch of Z's and turns and 45-degrees. Chairman Hair said, it makes sense in a septic tank. Commissioner Rayno said, four buildings could be on the same lot and use the same septic system with the understanding that it could handle the capacity? Mr. Drewry said, not septic systems, but when it's connecting to the main, yes.

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

Commissioner Kicklighter asked, what is the tap-in fee if they do it within the 90-day period? County Attorney Hart said, I don't have a clue. Commissioner Kicklighter said, I'll tell you one thing that worked and helped out a little bit there is we actually reduced or waived the tap-in fee if they tapped in within X-amount of, you know, really fast, and that was an incentive to go ahead and get on and then you, you know -. Chairman Hair said, yes. Commissioner Kicklighter said, so that's something we can look at.

Chairman Hair said, okay, we have a motion and a second to approve. All those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Murray, 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: Commissioner Odell was not present; District Three was not represented.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to adopt the Combined Sewer Disposal and Industrial Wastewaters Ordinance and approve an Intergovernmental Agreement with the City of Savannah to administer the Industrial Pretreatment Program for Chatham County. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rivers, Murray, 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: Commissioner Odell was not present; District Three was not represented.]

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**XIII. INFORMATION CALENDAR**

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

**ACTION OF THE BOARD:**

Written report received as information.

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

**ACTION OF THE BOARD:**

Written report received as information.

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**3. ROADS AND DRAINAGE REPORTS.**

**ACTION OF THE BOARD:**

Written report received as information.

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Gellatly, seconded by Commissioner Murray and unanimously approved, the Board recessed at 11:25 a.m., to go into Executive Session for the purpose of discussing personnel and litigation.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 11:46 a.m.

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**ITEMS FROM EXECUTIVE SESSION**

- 1. REQUEST BOARD APPROVE PROJECT CLOSE-OUT OF THE TRADE CENTER AND AUTHORIZATION OF FUNDING PLAN (JON HART, RUSS ABOLT, PAT MONAHAN).**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the following plan to close out the Trade Center construction: Authorize Change Order No. 20 as presented, authorize the schedule of payments, and authorize the funding of \$1,532,757, which will require an inter-fund loan through the Special Purpose Local Option Sales Tax, 1998-2003. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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

**ACTION OF THE BOARD:**

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

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**APPOINTMENTS**

**1. SAVANNAH ECONOMIC DEVELOPMENT AUTHORITY**

**ACTION OF THE BOARD:**

Commissioner Gellatly moved to make the following appointments to Savannah Economic Development Authority (SEDA): Reappoint Edwin J. Feiler, Jr., to a term which will expire January 7, 2007, and appoint Mrs. Lois Wooten, upon the expiration of the term presently held by Walter C. Carson, Jr., to a term which will begin January 8, 2002, and will expire January 7, 2007. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present; District Three was not represented.]

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**ADJOURNMENT**

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 11:47 a.m.

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

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

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