

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, DECEMBER 7, 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

Vice Chairman Priscilla Thomas called the meeting to order at 9:03 a.m., Friday, December 7, 2001.

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II. INVOCATION

Commissioner Harris Odell, Jr., gave the invocation.

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III. PLEDGE OF ALLEGIANCE

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

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IV. ROLL CALL

The Clerk called the roll.

PRESENT: Dr. Billy B. Hair, Chairman (Arrived approximately 10:10 a.m.)
Dr. Priscilla D. Thomas, Vice Chairman, District Eight
Frank G. Murray, Chairman Pro Tem, District Four
Jeffrey D. Rayno, District One
Harris Odell, Jr., District Five
David M. Gellatly, District Six
B. Dean Kicklighter, District Seven

ABSENT: Joe Murray Rivers, District Two

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

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YOUTH COMMISSIONERS

Vice Chairman Thomas introduced the following Youth Commissioners who were in attendance: Matthew Greenberg, a Junior at St. Andrew's School; Nivea Gregory, a Freshman at Beach High School representing Youth Futures Authority; and Jonathan Helmken, a Sophomore at St. Andrew's School.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

None.

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VI. CHAIRMAN'S ITEMS

1. GEORGIA EARLY LEARNING INITIATIVE - MS. PAIGE ANNE BIAGI. (5 MINUTE PRESENTATION) NOTE: Ms. Biagi has requested this presentation be cancelled.

Vice Chairman Thomas said, the Chairman will be coming in a little later. He's running a little late this morning. He had another engagement and I'm just filling in until he comes in. The first item is under the Chairman's Items, Georgia Early Learning Initiative, Ms. Paige Anne Biagi.

County Manager Abolt said, she's asked to be withdrawn from the agenda. Vice Chairman Thomas said, withdrawn from the agenda, okay.

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VII. COMMISSIONERS' ITEMS

1. RESOLUTION ON GARY UDINSKY RESIGNATION (COMMISSIONER KICKLIGHTER).

Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Dr. Thomas. Before I get going here, I want to try to basically explain a little bit about the process, maybe the duties of Gary Udinsky, the Chief Tax Appraiser, to the public because it's pretty confusing so I want to just kind of outline a little bit where the general public can understand what his duties are. Basically Mr. Udinsky is in charge of the day to day operations of the Tax Assessor's office. He is accountable to the Board of Assessors, but he is the one that runs the day-to-day operations and is charged to run that --, that Assessor's office in a proper manner. To put it in I guess something similar, in a sense he would be similar to the County Manager here. The Chief Tax Appraiser only has to answer to the Board of Assessors. This Commission appoints the Board of Assessors yet we cannot appoint the Chief Tax Appraiser. We can't hire him, we can't fire him. We appoint the Assessors and we can remove the Assessors. It's the Board of Assessors' responsibility and duty to actually fire the Chief Tax Appraiser. It's not legally --, we're not legally able to do that. We can't legally do that because if so I would --, I would make a motion to fire Mr. Udinsky, but we can't legally do it, so what I'm doing today, I'm going to ask that because of the on-going problems in the Tax Assessor's office, I now make a motion that we pass a resolution asking for the Chief Tax Appraiser Gary Udinsky's resignation. Commissioner Rayno said, second.

Vice Chairman Thomas said, are there --, all in favor of the motion let it --. Commissioner Odell said, discussion. Vice Chairman Thomas said, for discussion. Vice Chairman Thomas recognized Commissioner Odell.

Commissioner Odell said, I would like to see this done when --, we're short one Commissioner. I'd like to see this done when Commissioner Rivers and our Chairman is here so that it would not be a limited Commission action, but a full strength Commission --, Commissioner action. I just ask that we hold off on it.

Vice Chairman Thomas asked, okay, so what you want to do then? Further discussion?

Commissioner Rayno said, my problem with that is Billy [Hair] knows that we were going to do this today and Joe [Rivers] knew that we were going to do it today and he chose to go on a trip that he's gone on. Billy [Hair] chose not to be here for whatever reason. Vice Chairman Thomas said, well, in defense of Commissioner Rivers, he's on that Homeland Security Task Force and he's a part of that and that's the reason why he's not here. He's in Israel at this moment, and the Chairman had something else that he had to do first thing this morning, but he will be here within an hour and a half or so. Commissioner Murray and then I'll come back to Commissioner Kicklighter.

Commissioner Murray said, based on Commissioner Odell's concerns, some of the same ones I have when we vote to do something like this, I'd like to see as many of the Commissioners here as possible. I will move to table. Commissioner Odell said, I'll second the table. County Attorney Hart said, that requires a vote.

Vice Chairman Thomas said, okay. All in favor of the substitute motion. Commissioner Gellatly asked, what are we voting on? Commissioner Odell said, to table. Vice Chairman Thomas said, to table. My thing is not working. My –, Sybil [Tillman]. Commissioner Kicklighter said, she's trying to change hers to yes. Vice Chairman Thomas said, oh. The Clerk said, oh, I'm sorry. Vice Chairman Thomas said, uh huh, that's what I'm trying to do. Yes to table. Commissioner Gellatly asked, yes to table? Commissioner Odell said, yes to table. Vice Chairman Thomas said, yes, it's table. Vice Chairman Thomas and Commissioners Murray and Odell voted in favor of the motion to table. Commissioners Rayno, Gellatly and Kicklighter voted in opposition. The motion failed by a tie vote of three to three. [NOTE: Commissioner Rivers was not present; District Three was not represented.] Commissioner Murray said, it's a tie so the table's defeated. Vice Chairman Thomas said, okay.

Commissioner Kicklighter said, okay, I would –. Commissioner Murray said, which will be the same way –. Commissioner Kicklighter said, okay, the table was defeated. Vice Chairman Thomas said, yes. Commissioner Kicklighter said, I personally would not mind waiting until the Chairman gets here, but to wait on Commissioner Rivers to get back from Israel would be a long time and us really prolonging something that we need to go ahead and move on. Commissioner Odell said, I don't have a problem if we wait on the Chairman. Commissioner Rayno said, okay, I don't mind that. Commissioner Gellatly said, I don't mind that either. Commissioner Kicklighter asked, okay, so what do you –?

County Attorney Hart said, all you need to do is make a motion to move it to the –, withdraw your motion and then just put it back on at a later point in the agenda.

Commissioner Kicklighter said, okay, well, I'll withdraw my motion and we'll put it back on later when the Chairman gets here.

Vice Chairman Thomas said, all right, thank you very much.

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Chairman Hair said, now I'll call on Commissioner Kicklighter for a resolution before I go to First Reading.

Commissioner Kicklighter said, thank you, Mr. Chairman. I've already explained basically to the public that we, as a Commission, cannot fire the Chief Tax Appraiser; however, we can call for a motion to ask the Chief Tax Appraiser, Mr. Gary Udinsky, to resign and that's what I put in the form of a motion –. Chairman Hair asked, do I have a second to that? Commissioner Kicklighter said, that we ask for –. Chairman Hair asked, do I have a second to the motion? Commissioner Rayno said, second. Chairman Hair said, all those in favor of the motion –. Commissioner Odell said, discussion. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, if we had a right to do it –, not the right, but if we had the authority to do it, then we'd do it. If we had the authority we'd do it, we'd make a decision, we'd vote on it and it would be done. Fairness is always a major concern for me and I'm not certain what impact, if any, this vote has. If it's –, I don't know what purpose it serves, what we achieve, and I'll yield with the balance of my time.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I believe it will serve the purpose, possibly give the public a little bit of confidence in us, let them see that we're at least trying to do everything possible to help out the terrible situation at the Tax Assessor's office. Again, we can't fire him, but we can definitely show that we do not approve of the work that Mr. Udinsky does at the Tax Assessor's office. It's just a –, to show our disapproval that were we –, if we had the ability basically to fire him, we would.

Commissioner Odell said, the balance of the time then, I'm going to vote against this and I think we're on the losing end, but –.

Chairman Hair said, okay, we have a motion to –. Commissioner Rayno asked, could I say one thing? Chairman Hair said, Commissioner Murray and then Commissioner Rayno.

Commissioner Murray said, you know, I kind of think we've got the cart before the horse in this situation. You know, our responsibility from this Commission lies with the board that we appoint, or the board that we remove if we do that. Our responsibility is not with the Tax Assessor or any of the staff in the Tax Assessor's office. If, in fact, we call –, pass a motion to call for his resignation, does that mean that we would then start looking at each one of our departments that fall under the County Manager and have resolutions calling for department heads' resignations also that are not doing the job that we think personally they may not need to be doing or they need to be doing a better job than that, and we've had some heated discussions about several of our departments that fall under the County Manager right now. We have other departments throughout this County that we have problems in, just as you do in any organization, and those need to be corrected. That's our responsibility. It is not our responsibility to go into areas that we have no control over other than appointing the boards, and I think that at our next meeting on the 21st, depending on what the result says at that meeting and what takes place, then we will have done and executed our authority as the County Commissioners. I just do not feel like this is proper at the time. I think every Commissioner up here has expressed their feelings about how

they feel about the department, the person running the department or those board members that are appointed by us, and I think that if in fact it was going to mean anything, it would have meant something –, it would have meant something by the comments that have already been made. I don't see a formal resolution being the answer to move this forward one way or the other.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, just recently a judge in Chatham County ruled for an attorney that there's a lack of uniformity in Chatham County, and the same thing that was said in the reports issued by the Governor in the performance review report, and that's a pretty substantial ruling for a local judge to say that and also at the last Board of Assessors' meeting a builder had not transferred his deed to the association to turn it into a less taxable property, but Gary [Udinsky] already on his records on the computer has switched it as a less taxed property, so if anybody puts the cart before the horse it's Gary Udinsky by placing things in the record that haven't even happened yet, and if start looking at all the things in the reports, the RPB [sic] report, troublesome areas regarding the uniformity of property, inconsistent appraisal methodologies, even those on your own home, Mr. Hair, and also the –, there have been instances of charges being made by the appraisal staff, evaluations established by the BOE without obtaining approval from the BOA, Gary [Udinsky] acting on his own. The fact that the meetings have been less than harmonious among the BOA have not affected the amount of unanimous votes they've had, but any of the fights they've had have been over things that Gary [Udinsky] has done in that office. We have the right to vote a confidence vote yes or no for Gary [Udinsky]. We're not going to do it for other departments. No other departments have been under the scrutiny of the Governor. No other departments have been under the scrutiny of an independent panel, but Gary's [Udinsky] office has, and you've got thousands of taxpayers out there that would wholeheartedly agree with us saying that Gary [Udinsky] should go. That's what it's all about.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, Jeff [Rayno, I can accept everything that you have said at face value. I start off with the assumption that what you've said is absolutely true and correct and that what Dean [Kicklighter] has said is true and correct. My disagreement is not with whether or not the statements are correct, it is whether or not if we appoint a board, whether or not we should dictate to that board what it should be doing, and that's my concern. My concern does not whether or not it is that Mr. Udinsky should resign or not resign. I can accept everything that you said as true, but even assuming that it's true, the responsibility is with the Assessors, Board of Assessors, and not with the Commission. We had this problem once before the Library and, again, my concern is that whatever employee there is that that employee has a fair opportunity to succeed or fail on their own merits and that those who are charged with the supervision of that employee be charged with the decisions. I don't differ with what you're saying. I draw no conclusions about it, but what I do conclude is that the Board of Assessors are the appropriate body to make the decision. Two of the Assessors have resigned. Second meeting in January they're gone. They're gone. My law partner, former law partner –, we're no longer partners, has resigned. I understand your argument, but I also think that procedurally, just as I would not meddle in if I have a problem with the Chief of Police, then my problem is not with the Chief of Police, it's with Russ Abolt, and I will not knowingly violate his responsibility. I will not go to any other department or any of our of our offspring and attempt to dictate what they do. Whether it's a –, whether it's right is not the issue, but from a policy standpoint, from a procedural standpoint, I think that this would make a lot of people happy and there will be cheers and adulation, but the impact is it will do nothing. I think if we were to take a vote and if we had the power that today Mr. Udinsky would be asked to resign. I think that you all have the votes. Okay? We do not have the power and, I don't know, I have a concern that I don't want to establish a course of action with boards that we appoint.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, dictate is not a good word to describe that, and I don't think we should dictate anything to the boards, but we should definitely influence the boards. President –, every president in history of the nation they sit down and they discuss with their future cabinet members what their goal is. You don't appoint people to any board or anything that does not have your same thought process. As Mayor of Garden City I wanted to appoint people to boards that had the same type thoughts as me, as any government body normally does. If not, you have what's been going on here, just complete disarray. You know, it's one thing to dictate and tell the people you appoint what they have to do, but to influence board members that's –, that's a given. You're supposed to do that because we're the leaders of this County. Leaders do that. They lead by influencing, talking, whatever it takes to get the job done that needs to be done in the County. So, you know, it's our duty. We can't send people in on committees blind and expect them to know what we want when the –, when all is said and done. The bad stuff reflects right on us because we appoint those boards and those commissions, so let's influence the future boards with our vote today, and there's nothing illegal, immoral or wrong about that. Again, every president appoints a cabinet. They appoint their people, and I guarantee you they sit down and try to influence them on some major issues before they do so. There's nothing wrong with it. That's America, and it's time to influence this Tax Assessor's office in the right direction.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. Much has been said and much will be continued –, will continue to be said. It is our duty to look at the root causes of the whole situation. We have been zeroing in on what has been taking place just with the Board of Assessors, per se. What are the causes, you know? Why do we have the frictions?

Where did it get started? How did it get started and by whom? And naturally if I'm doing something that is incorrect and it's found out to be that it's incorrect and it's called to my attention and I don't like what you have discovered, it's going –, you know, there's going to be conflicts. There's going to be friction because I don't want you to deal with me with what I'm doing. So the way I look at it, if it's the duty of the Board of Assessors to terminate Mr. Udinsky's position, then I think they should do that, but I don't think that we need to look at them from the point of trying to do their job and saying that they are the main problems, and this is where I'm having a problem because they're not just dealing with things that they're talking about within their own little meetings, they're talking about the total structure of assessing properties in Chatham County. So when I make my decision, my decision is going to be based on all those things: what has taken place with Mr. Udinsky's office and what has taken place from the Board of Assessors themselves, and that's what I want to explain this morning.

Chairman Hair said, Commissioner Gellatly, Mr. Helmken and then myself. Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, okay, I've listened very carefully to my colleagues and I certainly agree that under normal conditions when this Commission appoints a board, whatever that board might be, that we should not meddle in the decisions of what –, what go on as far as the board is concerned. However, these aren't normal conditions. Forty percent of the board has resigned and the other sixty percent have been asked to resign. It's a very controversial situation that we have. The nine of us represent the top leadership of Chatham County, and I think that under these particular circumstances, which aren't normal, I think that this resolution should make it perfectly clear to the taxpayers, the citizens, the voters of this County, where this Commission stands, and I think that where I normally wouldn't vote for such a resolution, these are not normal conditions and I intend to vote for the resolution.

Chairman Hair recognized Youth Commissioner Helmken.

Youth Commissioner Helmken said, I believe you've already influenced the Board of Assessors by just talking about it, and regardless of if you ask for the resignation or not, you've influenced them, and that's the only thing I have.

Chairman Hair recognized Youth Commissioner Greenberg.

Youth Commissioner Greenberg said, since I hear y'all talking, I hear that y'all are in charge of electing the Board of Assessors, is that correct? Chairman Hair said, correct. Youth Commissioner Greenberg said, okay. If you elect a Board of Assessors, but you do not have the power to, let's say, fire Mr. Udinsky, but you have the ability to ask him to resign, if you're asking him to resign does that mean that once you pass the motion he has to resign or is that his decision to resign? Chairman Hair said, he –, obviously his decision. We have no influence. Youth Commissioner Greenberg said, so –. Commissioner Odell said, it's like blowing a kiss. Chairman Hair said, it's just like we could ask for [inaudible]. I'm not sure it's quite like a kiss, but I'm not sure I agree with Commissioner Odell. Mr. Greenberg, I apologize for the levity here. Youth Commissioner Greenberg said, so then my actual question is what impact would it make if you cannot –, if you can only ask for his resignation? If you can only ask for his resignation and, therefore, if you aren't happy with his job, but you can only ask for his resignation, that still doesn't come to the fact that you cannot terminate his job. Chairman Hair said, that is correct.

Commissioner Kicklighter asked, that was to me? Chairman Hair asked, was it to you? Commissioner Kicklighter said, well, I made the motion for this so –. Chairman Hair said, okay. Commissioner Kicklighter said, basically you directed that towards me, right? Okay, we were all elected in my opinion to represent the taxpayers of Chatham County. Okay, I owe it to the people out there to let them know what I think even if I can't control the situation, which on this occasion I can't fire Mr. Udinsky. I can let the people that put their confidence in me to protect their property rights and to protect their taxes from going through the roof, I can let them know with this vote that I am not happy at all with what's going on at that Tax Assessor's Board. That's what this does. This is an information sharing thing with the citizens of Chatham County. This is a vote of no confidence for the Chief Tax Appraiser, and basically it's communicating with the public is what we're elected to do. We're supposed to keep everyone informed, and we're supposed to do everything in our power to run this County in an efficient in the best way it can be ran [sic].

Commissioner Rayno said, and I'd like to add one other thing, Mr. Greenberg. Few adults stand up for what they believe in and show courage and sometimes you have to do that when you're adult, and that's what this is about.

Chairman Hair said, okay, I'll sort of wrap up the discussion here. I saved myself to last. I'm going to support this motion, but I would agree with everything Commissioner Murray and Commissioner Odell said. It has no influence. I'll answer your question too since Commissioner Rayno and Commissioner Kicklighter, it has no influence. It's not going to change one person's mind in Chatham County. Everybody in Chatham County has an opinion about Mr. Udinsky, for or against, and this resolution is not going to change one vote. It's not going to change one person's mind. I think we could accomplish the same thing by having a news conference and expressing to the press that we think Mr. Udinsky should resign, but I'm going to support the motion because it's on the floor and I do think he should resign, but as far as the influence this motion has, it really has no impact. Okay, I'll call for the question. All those in favor of the motion vote yes, all opposed vote no. Chairman Hair and Commissioners Rayno, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Murray and Odell voted in opposition. The motion passed by a vote of five to two. [NOTE: Commissioner Rivers was not present; District Three was not represented.] Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner Kicklighter moved that the Board adopt a resolution to request the resignation of Gary Udinsky as Chief Tax Appraiser. Commissioner Rayno seconded the motion. Chairman Hair and Commissioners Rayno, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Murray and Odell voted in opposition. The motion passed by a vote of five to two. [NOTE: Commissioner Rivers was not present; District Three was not represented.]

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CHATHAM AREA TRANSIT AUTHORITY

The Board recessed as the County Commission at 9:10 a.m., and reconvened as the Chatham Area Transit Authority.

The Chatham Area Transit Authority was adjourned and the Board reconvened the meeting as the County Commission at 10:15 a.m.

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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 untable 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.]

Chairman Hair said, I assume we can take both of these petitioners jointly, the two on here. They've got the same lawyer or do they have two separate ones? County Attorney Hart said, well, I think you've had a request from their attorney due to the road not being finished yet to continue it, which -- Chairman Hair asked, both of these will need to be continued? Chairman Hair recognized Commissioner Murray. .

Commissioner Murray said, yes, I'll just move that it's table until after the completion of the improvements for the traffic signal. Chairman Hair said, okay. We'll just leave it on the table.

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County Attorney Hart asked, could we postpone those to a date certain for the first meeting in March? If we don't do that we have to readvertise that whole thing.

Chairman Hair said, okay, I need a motion to delay until the first meeting in March. Commissioner Thomas said, move for approval. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present; District Three was not represented.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

At the request of the attorney for petitioners, Items 2 and 3 were not untabled for consideration by the Commissioners.

Commissioner Thomas made a motion that Items 2 and 3 be placed on the agenda for the first meeting in March, 2002. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present; District Three was not represented.]

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- * 4. **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.
At meeting of November 16, 2001, show cause hearing set for December 7, 2001.

ACTION OF THE BOARD:

This item was not untabled for consideration by the Commissioners.

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- 5. **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 THE FOLLOWING: AN INCREASE IN THE FEE FOR THE JURY COMMISSION TO \$75 PER DIEM.**

Chairman Hair said, I'll entertain a motion. No motion? Commissioner Rayno said, I'll make a motion. Chairman Hair asked, to approve it? Commissioner Rayno said, yes. Chairman Hair said, okay. Do I have a second? Commissioner Thomas said, I'll second. Chairman Hair said, second. All those in favor of the motion 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 Rayno moved to approve the following: An increase in the fee for the Jury Commission to \$75 per diem. 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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**2. SHOW CAUSE HEARING FOR REMOVAL OF MEMBERS OF BOARD OF ASSESSORS.
Note: By majority vote of the Commission, the show cause hearing will be rescheduled for December 21, 2001.**

Chairman Hair said, the show cause hearing has been delayed until the 21st. Next –. Commissioner Kicklighter said, we have to vote on it, Mr. Chairman. Chairman Hair said, okay, that's correct. I'll entertain a motion to delay until the 21st. Do we have a motion? Commissioner Rayno said, I move to delay until the 21st. Chairman Hair asked, do we have a second? Commissioner Kicklighter said, we need to be clearer. Chairman Hair asked, do I have a second? Commissioner Thomas said, I second it. Chairman Hair said, okay, all those in favor vote yes, opposed vote no. Chairman Hair said, the motion passes. Next item –, the show cause hearing has been delayed until the 21st. Commissioner Kicklighter said, we have to vote on it, Mr. Chairman. Chairman Hair said, that is correct, motion to delay until the 21st. Commissioners Rayno, Gellatly and Thomas voted in favor of the motion. Chairman Hair and Commissioners Murray and Kicklighter voted in opposition. The motion failed by a tie vote of three to three. [NOTE: Commissioner Rivers was not present; District Three was not represented.] Chairman Hair said, the motion to delay is defeated. It's a tie vote. Commissioner Murray said, the attorney's going to have to rule on this one. Chairman Hair said, the motion to delay is defeated. Chairman Hair recognized County Attorney Hart.

County Attorney Hart said, I think the Commission –. Chairman Hair asked, want to wait until Commissioner Odell gets back and try this again? County Attorney Hart said, yes sir, because I think the Commission has pretty much told everybody we're going to delay it and to proceed right now would clearly be in appropriate.

Chairman Hair asked, do we need a motion to reconsider. County Attorney Hart said, yes sir. Chairman Hair said, somebody on the prevailing side. Commissioner Rayno asked, on the what? Chairman Hair said, reconsider. County Attorney Hart said, on the prevailing side somebody just –, there's no prevailing side. Commissioner Rayno said, yes. Chairman Hair said, okay. Thank you. We'll just wait and do it again.

ACTION OF THE BOARD:

Commissioner Rayno moved to delay the show cause hearing for removal of the members of the Board of Assessors to December 21, 2001. Commissioner Thomas seconded the motion. Commissioners Rayno, Gellatly and Thomas voted in favor of the motion. Chairman Hair and Commissioners Murray and Kicklighter voted in opposition. The motion failed by a tie vote of three to three. [NOTE: Commissioner Rivers was not present; District Three was not represented.]

Commissioner Rayno moved to reconsider the motion to delay until the 21st of December.

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3. STATUS REPORT ON STATE PAYMENT FOR THEIR PORTION OF THE TRADE CENTER.

ACTION OF THE BOARD:

This item was not placed before the Commissioners for consideration.

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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 take anything off the Action Calendar? Commissioner Rayno said, yes? Chairman Hair asked, which item? Commissioner Murray said, I want 6, 7 and 8. Chairman Hair said okay. Commissioner Murray said, also A. Chairman Hair said, A. Anything else? Commissioner Rayno said, and 3. Chairman Hair asked, and what? Commissioner Rayno said, 3 and G. Chairman Hair said, 3 and G. Okay. I'll entertain a motion to approve the balance of the Action Calendar.

Commissioner Thomas said, move for approval. Commissioner Murray 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 Thomas moved that Items 1 through 13-K of the Action Calendar be approved in their entirety with the exception of Items 3, 6, 7, 8, 13-A and 13-G. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were 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 FOR THE SPECIAL CALLED MEETING ON NOVEMBER 14, 2001, AND THE REGULAR MEETING ON NOVEMBER 16, 2001, AS MAILED.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the minutes of the special called meeting on November 14, 2001, and the regular meeting on November 16, 2001, as mailed. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD NOVEMBER 7 THROUGH NOVEMBER 28, 2001.

ACTION OF THE BOARD:

Commissioner Thomas moved that the Finance Director is authorized to pay claims for the period November 7, 2001, through November 28, 2001, in the amount of \$2,744,557. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.]

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3. REQUEST BOARD ADOPT A RESOLUTION ENDORSING THE UNINCORPORATED CHATHAM COUNTY FLOOD PLAIN MANAGEMENT PLAN. [ALL DISTRICTS.]

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, we are still in the habit of people building houses in areas that are in flood plains and it just seems to me that we're begging for problems in the future. I just hope that Inspections looks at that when the time comes up. I know in the City of Savannah there's houses that are -, there's lots for sale in areas that have been know floodings twice there. Some in Halcyon Bluff are trying to sell right now. There's some over there off of Waters they're trying to sell which doesn't make sense. These are going to be the same people who'll be down here five years from now complaining about their houses flooding out and we're giving them the ability to build or buy houses, and it doesn't make sense. County Manager Abolt said, this is the lead of the County Engineer. As we know in the past, they've been very stingy in any type of forgiveness and because of SAGIS, because of our computer mapping program and a much better relationship as far as information exchange with FEMA we hope that the situation you described will be minimal at best and possibly completely eliminated. Commissioner Rayno asked, can I ask you a question that the Corps of Engineers, I guess it was, wrote the letter saying that the Federal Flood Mitigation Maps were inadequate, is it possible

that Al [Bungard] can work with them to update them if they are inadequate? County Manager Abolt said, we have, and again I do not mean to unduly praise, but in this case it's certainly worthwhile. Mr. Bungard and his staff, Mr. Grevemberg, have really led the way locally in that very thing you're talking about. The intercession with FEMA and also with the Corps of Engineers has been done by the County. Not to embarrass any federal agency, but there have been situations in the past where a bureaucracy the size of FEMA and the exchange of information at best have been confusing, and we will guarantee to the best of our ability we'll not add to the confusion.

Chairman Hair asked, any further questions. Commissioner Rayno said, motion to approve. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, oh, Commissioner Murray, I'm sorry, has a question.

Commissioner Murray said, I think it's basically a good plan and, you know, to me it seems like the same type thing we had at the last meeting talking about property rights. People that own that property do have rights.

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

ACTION OF THE BOARD:

Commissioner Rayno moved to adopt a resolution endorsing the unincorporated Chatham County Flood Plain Management Plan. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present; District Three was not represented.]

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- 4. REQUEST BOARD APPROVE AN AGREEMENT WITH THE CITY OF SAVANNAH IN AN AMOUNT NOT TO EXCEED \$75,000 FOR CERTAIN EXPENSES ASSOCIATED WITH THE RELOCATION OF SHORTY COOPER DRIVE AS A PART OF THE TRUMAN PARKWAY, PHASE III, PROJECT.
[DISTRICT 1.]**

ACTION OF THE BOARD:

Commissioner Thomas moved to approve an agreement with the City of Savannah in an amount not to exceed \$75,000 for certain expenses associated with the relocation of Shorty Cooper Drive as a part of the Truman Parkway Phase III Project. Commissioner Murray 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. REQUEST BOARD APPROVE EARLY ACQUISITION OF THE PROPERTY OWNED BY MS. ELDORA MARKS, 1234 WEST VICTORY DRIVE FOR THE WIDENING OF U.S. 80 (OGEECHEE ROAD) FROM I-516 (LYNES PARKWAY) TO VICTORY DRIVE.
[DISTRICT 8.]**

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the early acquisition of property owned by Ms. Eldora Marks, 1234 West Victory Drive, for the widening of U. S. 80 (Ogeechee Road) from I-516 (Lynes Parkway) to Victory Drive. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.]

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- 6. REQUEST BOARD APPROVE EARLY ACQUISITION FOR PROPERTIES OWNED BY GLADYS HILL AND GLADYS HILL AND JOYCE DURRANCE NEAR ABERCORN AND HOLLAND DRIVE, TRUMAN PARKWAY, PHASE V.
[DISTRICT 1.]**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, my only —, my only question about purchasing this property, early acquisition on it, is I understand that that Phase V probably, possibly is going to change with the State funding and stuff becoming involved

in it, is that still going to be part of the route? County Manager Abolt said, I don't think that we can at this level assume that it will not be the route. I think -. Chairman Hair said, we have no indication from DOT it will be any different. County Manager Abolt said, we have as we all know a plan that's already been approved by the Federal Highway Department and it's not our position to guess or to wager on what additional routes might be there. We must be about doing our best to acquire the [inaudible]. Commissioner Murray said, this piece of property that's in question has come up a number of times over the years if I'm not mistaken. What makes it different this time than it was before? County Manager Abolt said, willing seller, a willing seller. Commissioner Murray asked, they weren't willing last time? County Manager Abolt said, I -. Commissioner Murray said, or the price was not willing.

Chairman Hair recognized County Engineer Bungard.

County Engineer Bungard said, I was outside. Chairman Hair said, Commissioner Murray has a question.

Commissioner Murray said, a number of years ago this same piece of property came up for us to purchase and for some reason it was not purchased that time, and I was trying to find out what is different now than when then because everything else as far as the road and all was still the same. County Engineer Bungard said, I don't think it was this property. There was another one along there where -. Commissioner Murray said, it's right on White Bluff Road and Dutchtown Road or what is now, not Dutchtown, but it's called Holland Drive. County Engineer Bungard said, you handed me West Victory. Chairman Hair said, we're on number six, Al [Bungard]. County Attorney Hart said, there are two of these that are close to each other. Commissioner Murray said, number six. County Attorney Hart said, six and seven are fairly close. Commissioner Murray said, it's right on the corner [inaudible]. County Engineer Bungard said, at the Abercorn and -. Sorry? Commissioner Murray said, it's right on the corner. There's been a for sale sign on it for years. County Engineer Bungard said, yes, they came to us and once before -, there were several properties. I don't know if this -, it was back before my time, they wanted too much money and I believe -. Commissioner Murray asked, so it's a difference in the price? Now they've agreed to accept -. County Engineer Bungard said, well, we're going to go back and redo the appraisal and make another offer so that it's not developed but it's the [inaudible] preservation. Commissioner Murray said, okay.

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

ACTION OF THE BOARD:

Commissioner Murray moved to approve the early acquisition of properties owned by Gladys Hill (PIN 2-0650-01-006) and Gladys Hill and Joyce Durrance (PIN 2-0694-01-009) near Abercorn and Holland Drive, Truman Parkway, Phase V. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present; District Three was not represented.]

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7. REQUEST BOARD APPROVE A REQUEST TO TEMPORARILY CLOSE SECTIONS OF BLUFF DRIVE AND ST. THOMAS AVENUE IN ISLE OF HOPE FOR A TOUR OF HOMES ON DECEMBER 9, 2001. [DISTRICT 4.]

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I just think it's great that we're able to do things like that to support the neighborhoods when things like this come up and I move for approval. Commissioner Odell said, second.

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

ACTION OF THE BOARD:

Commissioner Murray moved to approve a request to temporarily close Bluff Drive from LaRoche Avenue to Rose Avenue and St. Thomas Avenue from Cornus Street to Bluff Drive in Isle of Hope for a tour of homes on December 9, 2001, for St. Thomas Episcopal Church. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present; District Three was not represented.]

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**8. REQUEST BOARD ACCEPT THE TRAFFIC SIGNAL IMPROVEMENTS (SUBJECT TO THE APPROVAL OF THE COUNTY ENGINEER) AT THE INTERSECTION OF JOHNNY MERCER BOULEVARD AND WHITEMARSH ISLAND DRIVE AND APPROVE THE MAINTENANCE AND ENERGY COSTS ASSOCIATED WITH THE NEW TRAFFIC SIGNAL.
[DISTRICT 4.]**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I don't think we have any choice except to approve this based on the criteria that was used when the traffic light was –, when they were told that were going to have to put the traffic light in because it meets the criteria they were given; however, I would like for the County Engineer to have his staff look at the left turn and see if anything can be done to improve that, which would not be the developer's responsibility. It would be the County's responsibility if something else has to be done. County Manager Abolt said, left turn –, help me, left turn which way? Coming out the –. Commissioner Murray said, coming towards the Island, take a left turn to go into the road there, to go into the schools. County Manager Abolt said, oh, okay, the left turn pocket as you're heading towards Wilmington Island. Commissioner Murray said, yes. County Manager Abolt said, thank you.

Chairman Hair said, so notify the County Engineer. County Manager Abolt said, thank you. Chairman Hair said, I'll entertain a motion to approve. Commissioner Murray said, motion to approve. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present; District Three was not represented.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved to accept the traffic signal improvements (subject to the approval of the County Engineer) at the intersection of Johnny Mercer Boulevard and Whitemarsh Island Drive/Walden Parc Apartments, and approve the maintenance and energy costs associated with the new traffic signal. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present; District Three was not represented.]

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9. REQUEST BOARD ACCEPT A GRANT FROM THE CRIMINAL JUSTICE COORDINATING COUNCIL IN THE AMOUNT OF \$134,891.98 AS STARTUP FUNDS FOR THE SAVANNAH/CHATHAM COUNTY DRUG COURT. CHATHAM COUNTY WILL BE REIMBURSED 100% FOR BILLS SUBMITTED BY RECOVERY PLACE OF SAVANNAH.

ACTION OF THE BOARD:

Commissioner Thomas moved to accept a grant from the Criminal Justice Coordinating Council in the amount of \$134,891.98 as startup funds for the Savannah/Chatham County Drug Court with Chatham County to be reimbursed 100% for bills submitted by Recovery Place of Savannah. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.]

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10. REQUEST BOARD APPROVE FINAL SETTLEMENT OF SUBROGATION CLAIM OF STATE FARM INSURANCE COMPANY.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the final settlement of \$8,000 for a subrogation claim of State Farm Insurance Company for an automobile accident on February 9, 2001, involving Ms. Connie Bentley. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.]

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**11. REQUEST FOR TRANSFER OF SUNDAY SALES OF BEER AND WINE POURING LICENSE FOR 2001. PETITIONER: MICHELINE M. FORTH, D/B/A MICHY'S RESTAURANT, LOCATED AT 3A SKIDAWAY VILLAGE WALK.
[DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the petition of Micheline M. Forth, d/b/a Michy's Restaurant, located at 3A Skidaway Village Walk, for transfer of Sunday sales of beer and wine pouring license for 2001. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.]

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12. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER AND WINE POURING LICENSE FOR 2001. PETITIONER: MATTHEW K. STARLING, D/B/A BONA BELLA MARINA, LOCATED AT 2740 LIVINGSTON AVENUE. [DISTRICT 3.]

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the petition of Matthew K. Starling, d/b/a Bona Bella Marina, located at 2740 Livingston Avenue, for renewal of Sunday sales of beer and wine pouring license for 2001. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.]

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13. 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. Final renewal option to annual contract to provide concession services for the Tybee Pier	Parks and Recreation	Riptide Bait and Tackle	\$18,000 revenue to County	Revenue producing
B. Declare as surplus and sell at public auction, various vehicles, a striper and fabricated trailers	Purchasing	N/A	N/A	N/A
C. Two (2) Model year 2002 Ford long bed pickup trucks	Public Works	J.C. Lewis Ford	\$38,130	CIP - Vehicle Replacement
D. Deductive Change Order No. 2 to the contract to provide lawn care services to various county locations to discontinue twice weekly litter pickup/ removal and power blowing of the parking lot and adjacent areas at the former Tag Office on Hodgson Memorial Drive	Tax Commissioner	Dreamscapes Lawn Maintenance	(\$1,560)	N/A
E. Change Order No. 3 to the contract to provide lawn care services to various county locations to increase scope of services to include the "new" Tag Office facility located on Eisenhower Drive	Tax Commissioner	Dreamscapes Lawn Maintenance	\$1,070	General Fund/M & O - Tax Commissioner
F. Change Order No. 4 to the contract to provide lawn care services to various county locations to increase scope of service to include the lawn areas located on the "east side" of the Building Safety and Regulatory Services on Eisenhower Drive	Building Safety and Regulatory Services	Dreamscapes Lawn Maintenance	\$540	•SSD - Building Safety and Regulatory Services •General Fund/M & O - Board of Equalization
G. Contract for the construction of four additional concrete bay areas at the Sharon Park Recycle/Drop-off center	Solid Waste	Pine Valley Construction Company	\$23,584	Solid Waste Restricted Expenditure Fund
H. Annual contract with automatic renewal options for two additional one-year terms to provide service uniform shirts and trousers	Police	Frank's Uniforms (WBE)	Varies by item	•SSD - Police •General Fund/M & O - Animal Control •General Fund/M & O - Marine Patrol
I. 66-month lease of a Pitney Bowes mail processor	Administrative Services	Pitney Bowes	\$568.18 per month	General Fund/M & O - Administrative Services

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
J. Change Order No. 1 to the contract for the construction of a golf range net for the Bacon Park Golf Course adjacent to the Truman Parkway, Phase III for additional conditions/ agreements to the contract	SPLOST	Golf Range Netting, Inc.	N/A	SPLOST (1985-1993) - Truman Parkway, Phase III
K. Confirmation of contract to design and engineer the modification of approximately 8,000 square feet of the County's building at 1117 Eisenhower Drive for use by the State as a driver's license testing and issuance facility	Central Services	Bazemore, Mastrianni and Wilson, AIA	TBD	General Fund/M & O (to be reimbursed by State prior to 15 May 2002)

As to Items 13-B through 13-K:

Commissioner Thomas moved to approve Items 13-B through 13-K, except Items 13-G. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.]

As to Item 13-A:

FINAL RENEWAL OPTION TO ANNUAL CONTRACT TO PROVIDE CONCESSION SERVICES FOR THE TYBEE PIER; PARKS AND RECREATION; RIPTIDE BAIT AND TACKLE, \$18,000 REVENUE TO COUNTY; REVENUE PRODUCING.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, does that –, do they control everything as far as concessions to take place on the Tybee Pier under this contract? Mr. George Lynch said, they –, what I'm trying to make a distinction between is if you had a private party and you wanted someone to cater it, you'd be at complete liberty to pick the person. However, day to day the operation of the soft drink stand, hotdogs, stuff like that is with them, yes. Commissioner Murray asked, is any of the maintenance because of their concessions their responsibility? Mr. Lynch said, no. Well, yes, I'm sorry. I'm being imprecise. Not structural maintenance, but they're responsible for maintaining their –. Commissioner Murray asked, cleaning and that type thing? Mr. Lynch said, yes. Commissioner Murray said, for the areas that they operate in. Mr. Lynch said, yes. Commissioner Murray said, I move for approval. Chairman Hair asked, second? Commissioner Odell 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.

As to Item 13-G:

CONTRACT FOR THE CONSTRUCTION OF FOUR ADDITIONAL CONCRETE BAY AREAS AT THE SHARONPARK RECYCLE/DROP-OFF CENTER; SOLID WASTE; PINE VALLEY CONSTRUCTION COMPANY; \$23,584; SOLID WASTE RESTRICTED EXPENDITURE FUND.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, Mr. Lynch. Mr. Lynch said, sir. Commissioner Rayno said, pardon my ignorance. Where's Sharon Park Recycling Center? Mr. Lynch said, I'm sorry, sir, I didn't –. Commissioner Rayno asked, where's the Sharon Park Recycling Center? Mr. Lynch said, I'm going to ask my –, one of my esteemed colleagues, who's geography is better than I am. Chairman Hair asked, do you know, Russ [Abolt]. County Manager Abolt said, it's on the west side. Mr. Lynch said, west side, I can get you there, but –. Chairman Hair said, it's right off of Highway 80. It's right between –, it's right off of Highway 80 before you get to the interstate. County Manager Abolt said, right. Commissioner Rayno asked, are the current recycling bins filled to capacity? Mr. Lynch said, I am informed that they are, sir.

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

ACTION OF THE BOARD:

1. Commissioner Thomas moved to approve Items 13-B through 13-K, except Items 13-G. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present; District Three was not represented.]

- 2. Commissioner Murray moved to approve Item 13-A. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present; District Three was not represented.]
- 3. Commissioner Kicklighter moved to approve Item 13-G. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioner Rivers 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.

None.

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XII. SECOND READINGS

See "Tabled Items" for an additional Second Readings

- 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.**

Chairman Hair said, I'll entertain a motion to approve. Commissioner Odell said, so moved. Commissioner Thomas said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present; District Three was not represented.]

ACTION OF THE BOARD:

Commissioner Odell moved to delete in its entirety Chapter 14 of the County Code, Article II, Sections 14-201 through 14-241, entitled "Savannah Economic Development Authority," because SEDA is regulated by state law. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present; District Three was not represented.]

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ORDER OF AGENDA

County Attorney Hart asked, Mr. Chairman, could we go back to one item? The items --, the two zoning items that we delayed and tabled. Chairman Hair said, yes.

At this point, discussion was resumed on Items VIII-2 and VIII-3.

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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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PERSONAL PRIVILEGE - COMMISSIONER MURRAY

Commissioner Murray said, before we –, I'd just like to make a comment if I could before we go in [Executive Session], and it's in reference to a comment that Mr. Rayno just made a minute ago. You can call this courage or not courage, and many times each of us vote and the only person to vote one way or the other, you have done the same thing, so I don't –, I don't appreciate the way you put that, and I just wanted to state that publicly. Commissioner Rayno said, I wasn't referring to you, but if you took it personally, that's your own thing.

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EXECUTIVE SESSION

Upon motion being made by Commissioner Odell, seconded by Commissioner Kicklighter and unanimously approved, the Board recessed at 10:47 a.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 11:13 a.m.

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ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

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

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APPOINTMENTS

- 1. **SAVANNAH ECONOMIC DEVELOPMENT AUTHORITY
CHATHAM-EFFINGHAM-LIBERTY LIBRARY BOARD
ECONOMIC OPPORTUNITY AUTHORITY**

ACTION OF THE BOARD:

Commissioner Murray moved to make the following appointments: Appoint Brian Foster to Savannah Economic Development Authority to fill the vacancy created by the resignation of Richard Barrow, which term will expire January 7, 2005; appoint Cathy Johnson to the C-E-L Library Board to fill the vacancy created by the resignation of Robert Brooks, which term will expire June 30, 2002; and reappoint Wesley Ball to the Economic Opportunity Authority, which term will expire December 31, 2006. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers 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 11:14 a.m.

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APPROVED: THIS _____ DAY OF _____, 2001

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

SYBIL E. TILLMAN, COUNTY CLERK