

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, MARCH 8, 2002, 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, March 8, 2002.

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II. INVOCATION

Father Patrick O'Brien, Chaplain of the 2002 St. Patrick's Day Parade Committee, 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. Priscilla D. Thomas, Vice Chairman, District Eight
Frank G. Murray, Chairman Pro Tem, District Four
Jeffrey D. Rayno, District One
Joe Murray Rivers, District Two
Harris Odell, Jr., District Five
David M. Gellatly, District Six
B. Dean Kicklighter, District Seven

ABSENT: Dr. Billy B. Hair, Chairman

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

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PERSONAL PRIVILEGE - COMMISSIONER MURRAY

Vice Chairman Thomas said, we have special comment before we move forward.

Commissioner Murray said, you know, we like to try to honor different people that work for the County when they have special occasions take place, and if I'm not mistaken, our County Manager had his 60th birthday on Tuesday, and I'd like for all of us to just say happy birthday, Russ, if that's all right. County Manager Abolt said, thank you. You always don't like attention, but you sit there and get it once in a while. County Manager Abolt said, thank you sir, and ladies and gentlemen.

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YOUTH COMMISSIONERS

Chairman Hair welcomed the following Youth Commissioners who were in attendance: Shrinidhi Subramaniam, a Sophomore at Jenkins High School, representing the Indian Association Youth Group (also a Mock Trial Finalist at Jenkins High School); and Keenan Summerlin, a Junior at Benedictine Military Academy.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. INTRODUCTION OF THE ST. PATRICK’S DAY GRAND MARSHAL.

Vice Chairman Thomas said, we are so delighted to have with us this morning the Grand Marshal and his aides. This makes it so very special and we’re going to be hearing from them in a little while and we have a proclamation that we’re going to present to them, but in the meantime we have a special presentation by the St. Vincent Girls of the Savannah –, of Savannah Irish Dancers and they’re going to do a special presentation for us at this time. Let’s welcome them.

The Irish Dancers of Savannah then performed an Irish dance for everyone.

Vice Chairman Thomas said, this is truly an honor. We’re so delighted to have all of you with us today. Vice Chairman Thomas then read the following proclamation into the record:

WHEREAS, one of the highest honors to be bestowed upon an Irish Catholic in Chatham County is to be elected Grand Marshal of the St. Patrick’s Day Parade; today we salute with great pride, this year’s Grand Marshal, Eddie Fahey; and

WHEREAS, Eddie Fahey grew up in the Irish Catholic Old Fort neighborhood on Savannah’s eastside and attended the Marist School for Boys, which later became Cathedral Day School, and St. Bernard’s, a high school in Alabama; and

WHEREAS, Grand Marshal Fahey joined the St. Patrick’s Day Parade Committee in 1949 and is a charter member and past president of the Irish Heritage Society, executive secretary and past president of the Sinn Fein Society and a member of the Friendly Sons of St. Patrick; and

WHEREAS, although a retiree, Eddie Fahey works full time assisting Father Patrick O’Brien at St. Peter the Apostle and is as comfortable comforting the bereaved and visiting the sick as he is laughing with friends or setting fire to green grits; and

WHEREAS, as visitors along with Chatham Countians join in remembering St. Patrick, the patron saint of Ireland, we look forward to this renowned parade with its colorful floats and the comradeship of its participants.

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim, Friday, March 8, 2002 as:

GRAND MARSHAL EDDIE FAHEY DAY

in Chatham County and salute him for having this prestigious title bestowed upon him and feel assured that Irish eyes will be smiling as he leads the 178th St. Patrick’s Day Parade.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 8th day of March, 2002.

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Grand Marshal Eddie Fahey said, ladies and gentlemen, and that includes you, too, Russ Abolt, it's really a delight to be here. Believe me, this is an honor that I just can't express having. I know it might be wrong to say because God's the only one that walked on water, but I feel like I'm walking on water, and it's not because I'm associated with O'Brien either. I'd like to recognize the General Chairman and his committee. These are the people that really do the work. All I do is go around and take the praise, but we really appreciate being here. I thank you very much. I don't know how you put up with Abolt because I can't get along with him. Thank you.

Vice Chairman Thomas said, thank you very much.

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2. PROCLAMATION TO DECLARE MARCH 2002 AS PURCHASING MONTH IN CHATHAM COUNTY - BILL PARSON AND KATHY WILLIS WILL BE ACCEPTING.

Vice Chairman Thomas said, it's an honor to make this presentation and the proclamation reads:

WHEREAS, the purchasing and materials management profession plays a significant role in the efficiency and effectiveness of both government and business; and

WHEREAS, public purchasing and materials management professionals, through their combined purchasing power, account for 23% of the United States Gross National Product or \$1.4 trillion in goods and services every year and so have a significant influence upon economic conditions throughout the world; and

WHEREAS, in addition to the purchase of goods and services, the purchasing and materials management profession engages in or has direct responsibility for functions such as executing, implementing, and administering contracts; developing forecasts and procurement strategies; supervising and/or monitoring the flow and storage of materials; and developing working relationships with suppliers as well as departments within the organization; and

WHEREAS, the Chatham County Purchasing and Contracting Division has contributed significantly to meeting the needs of the County, by providing professional, reliable and economical services while working together in trust and with open, honest communication to provide efficient and effective customer service procuring goods and services at the best value for the taxpayers.

WHEREAS, the National Institute of Governmental Purchasing, its Coastal Georgia Chapter, with members representing many local government entities, and other purchasing associations in the United States will promote the awareness to the general public on the vital role of purchasing within business, industry, and government, and

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim the month of March 2002 as:

PURCHASING MONTH

and encourages the appropriate recognition thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 8th day of March, 2002.

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Ms. Kathy Willis said, I'd like to thank the Commissioners and the attendees for taking the time to recognize the hard working professionals in public procurement. I also understand that Bill Parson, your own Purchasing Agent, has just been recertified CPPO, which is Certified Public Purchasing Official, by NIGP. This means he has mastered a certain body of knowledge and has continued his continuing education to stay current in his field. Thank you very much.

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3. PROCLAMATION RECOGNIZING JOHNSON HIGH SCHOOL AS REGIONAL FINALIST IN THE MOCK TRIAL PROGRAM - THE TEAM WILL BE ACCEPTING.

Vice Chairman Thomas said, we are so delighted to say that the members of the team are here and I am extremely proud of the fact that Shrinidhi [Subramaniam] is one of our Youth Commissioners and she is also a participant in this, and we would like for them to come forward at this time. Vice Chairman Thomas read the following proclamation into the record.

WHEREAS, the Mock Trial Program enables teams of high school students to assume the roles of prosecuting and defense attorneys and witnesses and compete in fictional cases held in the Chatham County Courthouse with a final trial before a Superior Court judge; and

WHEREAS, the Mock Trial Team of Johnson High School distinguished itself as a finalist in the Regional Competition in the matter of *Georgia versus Cunningham*, a fictional case but with the realistic drama of a murder trial plotted against the backdrop of replicated courtroom proceedings; and

WHEREAS, while the Mock Trial Program provides a learning experience for high school students in the art of presentation and judicial proceedings, the program becomes a reality-based experience because of the participation of judges and evaluations by local attorneys in a courtroom setting; and

WHEREAS, certain employees of Chatham County contributed to the success of the 2002 Mock Trial Program, especially Christy Barker, an Assistant District Attorney who served as Southeast Regional Coordinator; Jerry Rothschild and Brad Reed, Assistant District Attorneys, who coached the Johnson High School Team; Michael Barker, a law clerk who created the fictional case; and Superior Court Judges Penny Haas Freesemann and James F. Bass, Jr., who served as the final-round judges; and altogether some 60 volunteer participants including other judges and local attorneys.

NOW THEREFORE, I, Dr. Billy B. Hair, as Chairman, with the Board of Commissioners, do hereby recognize the Johnson High School Mock Trial Team of Victoria Hamilton, Andrew Sims, Elizabeth Cook, Hilary Mason, Hallie Mobley, Nick Merriweather, Molly Kronemeyer, Jarquita Washington, Jeff Ostrow, Emma Rice-Tanner, Natalie Martin, Jacob Hammer, Stephanie Ansley, Raymond Johnson, Christine Eastwood, Brittany Johnson, Jason Crosby, Jessie Holmes, Natalie Robinson, Julie Wilkinson and Stacy Babin, and the team's faculty sponsor, Jason Buelterman, and congratulate them on their accomplishment as a Finalist in the Regional Competition.

ADOPTED this 8th day of March, 2002.

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

An unidentified student said, I'd just like to thank District Attorneys Brad Reed and Jerry Rothschild for all the coaching. They've been wonderful putting up with us for a long time, and our coach --, our teacher coach, Mr. Buelterman, I don't know where he went, and all our parents, and for the seniors, like I am and just about five other people, y'all have done great and I hope y'all really good next year, too. Thank you.

Commissioner Odell said, Dr. Thomas, could we see who Brad Reed and who those people are. Vice Chairman Thomas said, yes. Commissioner Odell said, if they would --, if they have a comment. Vice Chairman Thomas said, if you have a comment you'd like to make at this time, please feel free. Commissioner Odell said, and we do say a short comment.

Mr. Jerry Rothschild said, I wasn't expected to be called upon to speak. I'd just --, I'd like to return thanks to all the kids. Brad Reed got me into this coaching business a year ago --, two years ago. I guess the last year would have been my first season and it's probably been the most rewarding thing in my professional career, and that includes actual cases with real defendants. The kids have been great. We're going to very much miss the six seniors, impossible to replace, but we also look forward to dealing with the 04's and the 03's as well. It's been great. Thanks, guys.

Mr. Brad Reed said, I don't really have much more to add. We do appreciate the Board giving us this time and recognizing these kids and not only our kids, but Jenkins in a few moments, because they do put a lot of time into this and a lot of effort, and of course the parents give up a lot of time, too, bringing the kids nightly, weekends, et cetera. But again thank you and thank you again for the kids' great experience and 04 and 03 and 05 next year. Right? Thanks.

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4. PROCLAMATION RECOGNIZING JENKINS HIGH SCHOOL AS REGIONAL FINALIST AND STATE COMPETITOR IN THE MOCK TRIAL PROGRAM - THE TEAM WILL BE ACCEPTING.

Vice Chairman Thomas said, we are equally as proud of you as we are of Johnson and I'm always ecstatic when young people are doing wonderful things because a lot of people say young people just aren't doing too much of anything and I say, yes, they are, and I'm delighted to present this proclamation to you this morning, and it reads as follows:

WHEREAS, the Mock Trial Program enables teams of high school students to assume the roles of prosecuting and defense attorneys and witnesses and compete in fictional cases held in the Chatham County Courthouse with a final trial before a Superior Court judge; and

WHEREAS, the Mock Trial Team of Jenkins High School distinguished itself as winner of the Regional Competition in the matter of *Georgia versus Cunningham*, a fictional case but with the realistic drama of a murder trial plotted against the backdrop of replicated courtroom proceedings, and will represent the region in the State Finals in Atlanta this weekend; and

WHEREAS, while the Mock Trial Program provides a learning experience for high school students in the art of presentation and judicial proceedings, the program becomes a reality-based experience because of the participation of judges and evaluations by local attorneys in a courtroom setting; and

WHEREAS, certain employees of Chatham County contributed to the success of the 2002 Mock Trial Program, especially Christy Barker, an Assistant District Attorney who served as Southeast Regional Coordinator; Michael Barker, a law clerk who created the fictional case; and Superior Court Judges Penny Haas Freeseemann and James F. Bass, Jr., who served as the final-round judges; and altogether some 60 volunteer participants including other judges and local attorneys.

NOW THEREFORE, I, Dr. Billy B. Hair, as Chairman, with the Board of Commissioners, do hereby recognize the Jenkins High School Mock Trial Team of Daniel Donaldson, Jalmarri Ivy, Marcus Johnson, Elizabeth Mosely, Stuart Fox, Nolan Wells, Adeeb Zaer, Mariya Yao, Kelly Wills, Fei Fei Sun, Bernard Williams, Shrinidhi Subramaniam, Sean Vanatta, Taqwaa Saleem, and Jamie Peper, and its faculty sponsor, Cindy Johnson, who has led Jenkins to regional titles in four of the last five years, and congratulate them on their accomplishment as Winner of the Regional Competition, and offer best wishes in the State Competition.

ADOPTED this 8th day of March, 2002.

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

An unidentified student said, I'd like to really, really thank Ms. Johnson. We put a lot of work into this, but, I mean, the hours that she puts in equal and exceed our own. Ms. Johnson, come up here please. I know you've had a long morning, but come on up here. I'd also really like to thank our attorney coaches who take their valuable time to come and help us, you know, work on this problem and give us, you know, advice. Otherwise, I'd also really like to thank Johnson for giving us such a good, you know, run for it in the finals. Y'all could have just as easily won as, you know, we did. And thank you, the County Commission.

Commissioner Odell said, Dr. Thomas, before they go. We have a very important person in the audience. We have Christy Barker. Christy [Barker] is statewide chairperson for —, and she must say a word or two because she won the last trial we tried against her.

Ms. Christy Barker said, I didn't expect to make a speech today, just like Jerry [Rothschild] and Brad [Reed]. I am truly honored to be associated with this organization. Georgia High School Mock Trial has been going on for 14 years and I've gotten involved in it in the last seven or so and gotten to be involved at the state level, and the real advantage to being involved at the state level is that I know how good these kids are, and we have a really terrific program here in Chatham County, and it's because of the attorneys and because of the parents and the students. We just really are privileged to be involved with these people and really grateful that y'all have taken the time to honor these students for their achievements because they have really worked hard and I'm grateful to be here with them. Thank you so much.

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5. PROCLAMATION RECOGNIZING THE UNITED STATES MILITARY ACADEMY BICENTENNIAL CELEBRATION - LT. COL. ROGER W. WADDELL WILL BE ACCEPTING.

Chairman Pro Tem Murray read the following proclamation into the record:

WHEREAS, on March 16, 2002, the United States Military Academy at West Point, New York will celebrate its 200th anniversary and the legacy of leadership and service this great institution has produced throughout our nation's history; and

WHEREAS, the original Congressional Act establishing West Point in 1802 was signed by President Thomas Jefferson after ensuring that the cadets attending the academy would be from around the country and representative of a democratic society; and

WHEREAS, distinguished graduates of the United States Military Academy have led our nation's Armed Forces in peace and war; and

WHEREAS, graduates currently serving in the Armed Forces are stationed in the Coastal Empire and deployed worldwide protecting and defending the country; and

WHEREAS, cadets of the United States Corps of Cadets are being trained and educated to be our nation's next leaders with a lifelong commitment to Duty, Honor, and Country as West Point moves into its third century of service.

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim March 16, 2002 as a day to recognize and celebrate the

BICENTENNIAL OF THE UNITED STATES MILITARY ACADEMY

throughout Chatham County and urge all citizens to join me in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 8th day of March, 2002.

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Lt. Col. Roger Waddell said, yes, I am Lt. Col. Roger Waddell, Class of 1958 and President of the West Point Society of Savannah, and I'd like to introduce the gentlemen with me. We have Col. Fletcher Ware, Class of 1954, who is the Chairman of our Bicentennial Committee that has planned several events over the past year and terminating next week with having a float in the St. Patrick's Day Parade; Dr. Patton Jones, Class of 1969, and Col. Eric Romine, Class of 1969. One of the major projects we've had for our bicentennial is the production of a book, which was written by James McAdams, the local historian and journalist. This book describes the connection between the histories of West Point and the Coastal Empire over the past 200 years, and also describes the impact many of Georgia's graduates of the United States Military Academy have had on the nation and on the State of Georgia. The book is entitled, *Entwined Destinies - West Point and the Coastal Empire, 1802-2002*, and we'd like to present a copy of this book to the Commission.

Vice Chairman Thomas said, thank you very much.

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6. PROCLAMATION CELEBRATING THE 75TH ANNIVERSARY OF CONNOR'S TEMPLE BAPTIST CHURCH - REV. BENNIE R. MITCHELL, JR., WILL BE ACCEPTING.

Vice Chairman Thomas said, I had the opportunity of participating with them during their 75th anniversary celebration a few days ago, and I want to say that it certainly was an outstanding affair, and this morning we are just so delighted to have the opportunity to present this proclamation on behalf of the Chatham County Commissioners and the citizens of Chatham County to this most distinguished pastor, members and for the church that has been in this community for 75 years. That's quite an historical feat, and so we're delighted to make this presentation to you this morning, and the proclamation reads as follows:

WHEREAS, religious institutions are the foundation of our community, and in that spirit, we salute an establishment that is exemplary of that belief, the Connor's Temple Baptist Church; and

WHEREAS, in January 1927, a small group of Christians, with the determination to fulfil a vision, met with Rev. Noah Cornelius Connor to discuss organizing a church and in March 1927, the Connor's Temple Baptist Church was organized; and

WHEREAS, for the past seventy-five years, Connor's Temple has only had three pastors at the helm: Reverend Noah C. Connor; who served from 1927 to 1949, Reverend Willie W. Whitehead; who served from 1950 to 1973, and Reverend Bennie R. Mitchell, Jr., the current pastor, who has served since 1974; and

WHEREAS, under the spiritual and progressive leadership of Reverend Mitchell, Connor's Temple Baptist Church has made gigantic strides spiritually, numerically and financially and continues to make tremendous contributions to our community.

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners do hereby salute the

CONNOR'S TEMPLE BAPTIST CHURCH

in recognition of its seventy-fifth anniversary and express sincere appreciation for their commitment for the betterment of our community and fellow mankind and extend best wishes for many more years of service as they continue to spread the Gospel of our Lord.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 8th day of March, 2002.

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Rev. Bennie Mitchell said, Sister Priscilla Thomas, Vice Chair of the County Commission—, Chatham County Commission and Brother Billy Hair, who is Chairman, and to all of the Chatham County Commissioners and staff, first of all, we just want to appreciate the kind of reception we got from the office of the County when we did apply. And, secondly, we want to thank you for taking this time to share in the joy that we have in celebrating the birth of our church. I'd like to introduce Sister Beatrice Mack, volunteer worker. No one works any harder and I'm glad to have her as assistant administrator and church clerk of our church, who does a lot of work, Sister Beatrice Mack. And Sister Ruby Huntley, who is our chair of our church anniversary, her and her husband, for this year. Deacon Hart is the oldest living deacon of our church. I think on the other evening at the banquet he was so elated that he didn't —, he was praying, he was whooping up a storm. And Sister Mildred Law, who's over the ministry of our emergency medical ministry. So we want to say thank you and anyone want to have anything —.

Sister Ruby Huntley said, on behalf of Connor's Temple we would like to thank you very much for all that you have done for us. We truly and truly have had a great time. We had a banquet on last Saturday and some of you were there. We thank you so very much for coming. It was a great affair. Thank you.

Vice Chairman Thomas said, thank you all and God bless you.

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ORDER OF BUSINESS

Vice Chairman Thomas said, at this time we are going to go to the Commissioners Items, and we have a request because we'd like to —, the Mayor needs to leave as soon as possible. So if that's okay with the Commissioners that we move number three up on the agenda.

[NOTE: Without objection, Item VII-3 was taken out of order and was heard at this point on the agenda.]

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VI. CHAIRMAN'S ITEMS

- 1. REMINDER: BUDGET PRESENTATIONS WILL BEGIN IMMEDIATELY AFTER EXECUTIVE SESSION.**

Chairman Pro Tem Murray said, this is just a reminder that the budget presentation will begin immediate after Executive Session today.

ACTION OF THE BOARD:

Received as information.

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ORDER OF BUSINESS

Commissioner Rayno said, with permission of the Board I'd like to move Mr. Blackston up to the top because he's here with his attorney and -- Chairman Pro Tem Murray said, sure. Does anybody have a problem with that?

[NOTE: Without objection, Item VII-4 was taken out of order and was heard at this point on the agenda.]

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VII. COMMISSIONERS' ITEMS

1. TYBEE PIER DISPOSITION (COMMISSIONER RAYNO).

Chairman Pro Tem Murray recognized Commissioner Rayno.

Commissioner Rayno said, we had a discussion at the last meeting about the possibility of trying to alleviate the problems with some of our SPLOST projects we built that were not financially performing as we thought that they would, and the idea of selling them was really an option that kind of failed. And so we talked about some of the ways that we could alleviate the problems, and I think that there's a short term and a long term solution for the Tybee Pier and I'd like to talk about the long term solution first and then get to the short term solution, which I'd like to have some kind of action on today. I think in the long term with any of these facilities, the thing that's been lacking greatly has been the fact that we've not marketed them properly in terms of guests that are coming to this community or to corporate entities that might utilize the facilities for their employee days that they might have or to keep their employees healthy, which would reduce their medical costs. So my long term solution would be to have some kind of an entity which would be a marketing entity that would help people know about these facilities, such as if we utilize the Recreation Authority where they would hire a marketing firm, not create a bureaucracy, but to hire a marketing firm that would have a person on board who had a knowledge of how to get grants and write grants effectively and a person who understood marketing and how to get in touch with corporate entities and get more bang for the buck, such as talking to corporate newsletters and saying why don't you put your information in there about our facilities for birthday events, for corporate picnics, for health benefits, et cetera, and get corporate sponsorships going to these facilities, and having a centralized marketing firm like that through the Recreation Authority. You could have a one-stop phone number they could call, for instance, to book these facilities and we could include the Weightlifting Center, we could include the Aquatic Center, we could include the Tybee Pier. Say, for instance, if a group is coming into town and we know this through the Savannah businessmen connections there, we could market to them and say while you're in Savannah why don't you stop by the Aquatic Center and swim in the wintertime and then we'll take you out to the Tybee Pier and you can see what's going on out there and make a whole package for them that they could buy into. I think that they would find that --, make their stay here more enjoyable and would increase the amount of money that's coming into these facilities. On a short term basis, Pat Monahan came up with some interesting ideas about the possibility of taking a user fee for someone who might go to the, say, Tybee Pier in the summertime, preferably during those months when it's most used, and he had suggested from May through September with a nominal fee of about 25¢, giving the concessionaire out there the opportunity to be --, have an incentive to do this, by giving that person a percentage of what they've collected. And if you just look at 60,000 visitors out at the Tybee Pier at 25¢ a pop, that's \$15,000 right there, and then you've got a fee for the --, using the fishing pole, like a dollar per pole, and this way we'd get to get the people who actually use the pier to help pay for the maintenance of it. We can't continue to go on and expect that these facilities are not going to degrade over time, and I think that those people that use the Tybee Pier, 25¢ is not a whole lot of money to go through a turnstile to enjoy the benefits of being on the pier. We didn't think about how we were going to maintain these things when we brought about the SPLOST referendum and it's time to find a way to do that without putting it on the backs of the property owners of Chatham County. You know, in the form of a motion I would just like to say that we would consider to charge 25¢ and allow the concessionaire of the Tybee Pier to collect that money with a determined percentage, whatever Russ [Abolt] might think is feasible, from May through September and then other times of the year it would be free once again.

Chairman Pro Tem Murray asked, have you considered any --, in your thoughts on this, about the rental fee for the pavilion itself for parties and receptions, about increasing that fee by a small amount? Commissioner Rayno said, you could amend the motion to put that in there as well. Chairman Pro Tem Murray said, no, I can't do it conducting the meeting I can't, but it's --, right now I think it's set at \$400 per function. Is that correct? And if it was raised to \$500 per function --. Commissioner Rayno said, sure, it should be higher than that. Chairman Pro Tem Murray said, as a start, I think that would certainly help offset what's going on down there right now. Would you consider that part? Commissioner Rayno said, yes. Chairman Pro Tem Murray said, okay. Do you want to restate it then and then we'll see if we can get a second. Commissioner Rayno said, it's so long though. Chairman Pro Tem Murray said, well, you can make it shorter long as it says the same thing.

Commissioner Rayno said, I'll just make a motion that we collect a fee of 25¢ from May through September, allowing the concessionaire to collect that fee with an incentive rate that's determined by County staff, and provide free admission

for children under 12, a free pass program for Tybee residents, a charge for fishing at a \$1.00 per pole, and also raise the fee for anyone renting the pier from \$400 to \$500. Commissioner Gellatly said, second. Chairman Pro Tem Murray said, we have a motion and a second. Discussion? Commissioner Kicklighter said, yes. Chairman Pro Tem Murray recognized Commissioner Kicklighter.

Commissioner Kicklighter said, where the recommendation –, if you could, clarify for the general public, the fee would not be charged to people using the pavilion area. This would be –, the turnstiles would be placed as you walk out onto the boardwalk, so if you're actually going to utilize that part, so the general public would still have free access to the pavilion to eat their food and everything, use the restrooms. This is just to utilize the part out there where you actually fish would cost a quarter.

Commissioner Rivers said, if you're going to –, it's discriminatory. You mean to tell me if I don't live at Tybee, I've got to pay. But if I live at Tybee, I don't have to pay. What's the difference? I mean, we paid in general to build the pier. We give Tybee \$500,000 of money for renourishment. So you –, you know. But why do we have to pay? I mean –. Commissioner Kicklighter said, I agree. The entire County –, if anyone in the County is going to pay, the entire County should pay.

Commissioner Rayno said, okay, I'll amend the motion to say that. That's fine. Commissioner Gellatly said, okay, I second the amendment.

Chairman Pro Tem Murray asked, do we have any other discussion?

Commissioner Odell said, yes, I have some concerns. If I could direct the question to Mr. Rayno I might be able to satisfy an unreadiness I might have. The amount of money projected, will that solve the financial crisis that you anticipate? Commissioner Rayno said, this again is a short term solution. When you combine that with a long term solution of having a marketing entity, say, through the Recreation Authority, be hired, consider the fact that the deficit at the pier is only \$41,000. Let's just say they started, out of a whim, started selling beer there. I bet you in the summertime they could make that up immediately in concessions. Just selling beer. There's been no real marketing plan there. There's been no real marketing plan. They've spent \$8,000 at the Aquatic Center for marketing. Commissioner Odell asked, eight? Commissioner Rayno said, yes, \$8,000. \$3,000 goes to the phone bill, so they really effectively only had \$5,000 to market, and you're asking the person that runs the Aquatic Center to put on a hat and say I'm a marketing person too, and I'm a person that can write grants and I can do all this. They can't do that. They can't do that and effectively run the pool too. So if we have a long term solution of having, central point, anybody in Chatham County can call, like 651-RETT [phonetic], whatever it might be, or 651-POOL, they can call and they can market any of our programs, or say we have a summer program out at the pier where we use the Recreation Department and they bring kids out there and they do a thing, a little science program and they talk about marine life out there and they utilize the pier, the parents get used to going out to the pier and utilizing the facility, they pay money for the camp, it starts generating more income. A marketing firm comes up with all these ideas that raise more money for all the recreational facilities. Commissioner Odell said, I like that part of the argument and I really believe that we need to do that. I'm not certain that charging the quarter –, I think the cost to collect is going to exceed the net revenue. I think that ultimately it's going to add a layer of government and inconvenience, which that's not the intent of the motion. Equally, if we did that for the pier, should we not do that or have some consistency with all of our recreational facilities that cost money and potentially we undermining funds. I understand what the attempt is, and the attempt is in lean times to try to collect and raise money to solve some of our financial woes, but I think in doing so what we do is we drift towards that slippery slope of having inconsistent treatment for some of the projects, and that concerns me. I like the marketing strategy and we need to do that, but those are the only questions I had. Thank you.

Chairman Pro Tem Murray asked, any other discussion?

Ms. Montine Earls said, Montine Earls. I had just a question to ask. About the 25¢. Once you go out on the pier and maybe you have to return to go to the restroom or whatever, how are you going to clarify that? Are we going to have a stamp? When you go up and you pay your 25¢ and you go out on the pier to fish, and you have to come back in to go to the restroom, are you going to have a stamp so this would signify that you have paid the 25¢ so you can go back out on the pier? Commissioner Odell said, we really haven't gotten that far. Ms. Earls said, that's the whole thing. You need to think about these things. Commissioner Odell said, it might be a [inaudible]. Ms. Earls said, you know, it would seem like, you know, a stamp –, when you pay your 25¢, there would be a stamp so that you would be able to go back and forth for that day. Commissioner Rivers said, that would mean that you would have to have somebody there to do that, and that 25¢ might not cover the cost. Ms. Earls said, that is correct. Commissioner Kicklighter said, plus you're dealing with water so the stamp could wash off, then you're talking bands, which would probably cost almost as much as the quarter to get on there.

Chairman Pro Tem Murray asked, Russ [Abolt] –. Commissioner Odell said, Ms. Earls, as always, thank you. County Manager Abolt said, gentlemen, if you like the concept, give us the opportunity to flesh it out and work with the details. Commissioner Odell said, I like that flush it out. County Manager Abolt said, yes. A new –, flesh not flush. Correct me. We'll certainly work on it if that's your wish. Chairman Pro Tem Murray said, we do have a motion on the floor and a second. Commissioner Rayno would you want to send it back to staff to look at and bring it back at the next meeting? Commissioner Rayno said, yes, I think so, and we might also, as Mr. Rivers had suggested, look at the other facilities too to address the concerns of Harris Odell about equal treatment of all facilities in Chatham County. Chairman Pro Tem

Murray said, okay. Commissioner Rayno asked, would that be okay, Mr. Odell? Commissioner Odell said, I will accept that. Chairman Pro Tem Murray asked, do you want to table this motion or do you want to withdraw it until the next meeting? We need to dispose of it. Commissioner Rayno said, yes, let's table the motion and –.

County Manager Abolt said, we'll do it if –, I would like it –, the initial intent was to ensure that at least a majority of the Board wanted to do something other than we're doing right now. I would prefer to have at least a consensus that there's sentiment on this. Give us the two weeks to make it specific. Chairman Pro Tem Murray asked, the next meeting, is that what you're doing?

Commissioner Rayno said, yes, why don't we just amend the motion just one more time to say with the caveat that staff will come back with details which we can address one more time because we'll have to approve the funding that the staff changes and all that. Chairman Pro Tem Murray said, okay. Is that acceptable with the second? Commissioner Kicklighter said, second. Commissioner Gellatly said, yes.

Chairman Pro Tem Murray said, yes. Make it brief.

Mr. John Saxon (Piccolo) Pierce said, County Commission, if you had a stamp, you've got to be 21 before you could be stamped because if you –, if you're not 21, the Federal could close us at any time, and I hope y'all agree with the right thing. May God bless you. Chairman Pro Tem Murray said, thank you.

Commissioner Kicklighter said, one comment that I want to say. I remember in the past when y'all dealt with this. I believe we're definitely facing different times now. I think this is one way –, y'all know what I'd prefer to sell the thing, but, if not, you know, we –. Chairman Pro Tem Murray said, that's not the motion. Commissioner Kicklighter said, right, right. This is a way to actually –. Chairman Pro Tem Murray said, I have an alternative when you bring that back up. Commissioner Kicklighter said, get some of the problem off the backs of the property owners and actually charge the people that's using the thing, which spreads the burden and gets it off of just the property owners in Chatham County. So I will support it for that reason.

Chairman Pro Tem Murray said, okay. All in favor of the motion. Let's vote. Chairman Pro Tem Murray and Commissioners Rayno, Rivers, Gellatly and Kicklighter voted in favor of the motion. Commissioner Odell voted in opposition. The motion carried by a vote of five to one. [NOTE: Chairman Hair and Commissioner Thomas were not present; District Three was not represented.] Chairman Pro Tem Murray said, the motion passes. So, staff, y'all will bring it back at our next meeting.

Commissioner Rivers said, we have passed the motion and we're going to bring it back according to what staff finds –. Chairman Pro Tem Murray said, yes. Mr. Chairman, I'm going to make another motion so that we be in line, I want reconsideration entered into the minutes so that if we have to adjust, we can.

ACTION OF THE BOARD:

1. Commissioner Rayno moved that staff look into the County collecting a fee at the Tybee Pier of 25¢ from May through September, allowing the concessionaire to collect that fee with an incentive rate that's determined by County staff, and provide free admission for children under 12, a charge for fishing at a \$1.00 per pole, and also raise the fee for anyone renting the pier from \$400 to \$500, and that this be brought back to the Commission at the next meeting. Commissioner Gellatly seconded the motion. Chairman Pro Tem Murray and Commissioners Rayno, Rivers, Gellatly and Kicklighter voted in favor of the motion. Commissioner Odell voted in opposition. The motion carried by a vote of five to one. [NOTE: Chairman Hair and Commissioner Thomas were not present; District Three was not represented.]
2. Commissioner Rivers requested that this item be reconsidered at the next meeting of the Board of Commissioners.

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2. GRANTS-IN-AID REVISIONS (COMMISSIONER RAYNO).

Chairman Pro Tem Murray recognized Commissioner Rayno.

Commissioner Rayno said, part of the budget process last year involved early on in the process meeting all of the –. [NOTE: At this point Commissioner Rivers went back to discussion on the previous item.] Commissioner Rayno said, we –, part of the budget process last year, we had the grants-in-aid folks were the first people we had contact with and they were very concerned about the cutting of their funds from the budget, and at the time I suggested that we need to get together with these folks early on before we get to that point so we might find alternative funding for them that doesn't involve County money because I do believe that many of these agencies are good vital organizations that need to be a part of our consideration, but I think that there's plenty of options out there for them to look into as far as sources of funding, whether it be a church or whether it be a federal grant or a state grant. So all I'm asking for today is that the Board set up some kind of a meeting with the grants-in-aid committees that have been set up so that we can

brainstorm with them on alternative funding for these organizations before we get into the heated battle of the budget process.

Commissioner Rivers said, Mr. Chairman. You know it's nice to talk about grants. There's a reality of grants being approved, getting grants. There's a reality in how much churches will give. What I suggest you sit on one of those agencies, Jeff [Rayno], and see how tough it is to raise money out there. It ain't –, it's not easy to get grants. Commissioner Rayno said, I know that. Commissioner Rivers said, and you always have to have a match for some of those grants, and then when you do get a grant, whatever you're proposing, it leaves you at that point. Now –, and then sometimes you can take a grant and a grant ends up costing you more than what you actually bargained for. So, you know, I think we need to look at, I think most organizations out there, if they are eligible for a grant, I think they have gone after as many grants as they can. I don't mind educating and I don't mind sitting down, but I think we have an obligation that sometimes with some of these organizations, when we missed, we create public problems for us on the other side. So, you know, if we can't curb delinquency, channel certain things in certain directions, then we end up with it in the Juvenile Court, and we should be trying to push out the courts and the jail back into some programs.

Commissioner Rayno said, I agree with you a hundred percent. That's why we need to sit down and talk with them before the budget process though. You don't have an argument with that, do you? Commissioner Rivers said, no. Commissioner Rayno said, okay.

Chairman Pro Tem Murray said, we don't need a motion on that. Staff will –, if everybody's in agreement, okay. County Manager Abolt said, I want to make sure I understand. Your intent is to invite your grants-in-aid committees to meet with you. Chairman Pro Tem Murray said, yes.

Commissioner Odell asked, that will not be at a regular meeting, or will it? Commissioner Rayno said, no, it will be a separate meeting. Commissioner Odell said, okay.

ACTION OF THE BOARD:

Staff was directed to schedule a meeting between the Board Commissioners and the grants-in-aid committees.

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3. MAYOR ROZIER, CURB CUTS (COMMISSIONER KICKLIGHTER).

Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Dr. Thomas. We're delighted to have Mayor Rozier with us today, Mayor of Bloomingdale. He has some concerns that he would like to express to the Commission about possibly obtaining some curb cuts on the Jimmy DeLoach Parkway or possibly wanting to obtain the rights to the parkway entirely. So, Mayor.

Mayor Ben Rozier said, thank you, Commissioner Kicklighter, and thank you everyone for allowing me to speak. Two items. Number one, I'd like to introduce myself to the Commission. I know most of you and I appreciate the opportunity to come up here and speak to you today. The –, and the reason that I'm here today is the Jimmy DeLoach Parkway runs Port Wentworth, the City of Savannah, Pooler and Bloomingdale. Phase I in Bloomingdale has about two and a half miles. In that two and a half miles of Phase I we have two existing curb cuts and two existing median cuts, and they are for roads that were there for residential use only. We have property owners who have a considerable amount of property that faces the Jimmy DeLoach Parkway. They are –, our owners are interested in some sort of commercial development or future development, and in the City of Pooler and Savannah and Port Wentworth there are curb cuts and median cuts every six-tenths of a mile. In the two and a half miles in the City of Bloomingdale, except for those residential curb cuts, we have no curb cuts and no median cuts for any sort of expansion. I've been in contact with Mr. Abolt and Mr. Bungard's office and they advised me that, you know, there's a possibility to get curb cuts if we make a master plan and the –, I was put on the agenda before I got a chance to talk to Mr. Abolt, and I'm currently working with some of the owners of that area to put in a master plan. I was wrongly advised that the City of Pooler has jurisdiction of the Jimmy DeLoach Parkway through their city, and a second note for me coming up here today was to ask for jurisdiction of the parkway in our –, in our city. Like I said, I have been advised that Pooler does not have jurisdiction of it and, therefore, future plans for the parkway is to be able to give it –, turn it over to the State.

Commissioner Kicklighter said, Mayor, if I can stop you, is that the case? So Pooler does not have control over the parkway right now? County Manager Abolt said, a memo is in your packet right. Jimmy DeLoach Parkway we eventually would hope the State of Georgia would take it over for maintenance. Commissioner Kicklighter said, okay, Jimmy DeLoach Parkway, but they have control of the Pooler Parkway, right. Okay, okay. Go ahead, I'm sorry.

Mayor Rozier said, that was basically it. Since I talked to you, Dean [Kicklighter], I have talked to, like I said, Mr. Abolt and I have been in touch with Mr. Black's office and if we can –, if we can come up with a master plan, you know, is the Commission willing to hear our plea for some curb cuts because we have some property owners that are completely landlocked. They can't even get to their property from any other –, from any other street. When the parkway came

through, it cut the land into and they have no access through at all. Branigar is selling property down in Pooler for upwards of \$50,000 an acre and we've got some people over there with 10, 15, 20 acres that have no —, no access at all to their property, and we feel that future expansion of Bloomingdale and future growth in that area, which is likely to occur and especially when Phase II is completed, Phase II will be all in the City of Bloomingdale and hopefully at that time we'll have our —, all of our eggs in one basket and have our homework done to be able to properly let that parkway grow.

Commissioner Kicklighter said, Mayor, by looking at the reaction of the County Manager over there, that's an excellent idea. If y'all come up with the master plan, I can't anticipate a problem and I'll just see if there's any comments up here. Anyone?

Commissioner Rayno said, my only comment would be that you use frontage road systems rather than more curb cuts because the whole purpose of a parkway is to keep a flow of traffic and the more curb cuts you put in, you diminish that effect completely, and so your master plan should not only involve frontage roads, but also a buffer between the parkway and that frontage road as well so people don't have to look into it.

Mayor Rozier said, I have come up with that. I have mentioned that item to some of the developers there and some of the property owners and they are, you know, conducive to that. Thank you very much for allowing me to speak and once again thank you for letting me come up here today.

Commissioner Kicklighter said, thank you, Mayor.

ACTION OF THE BOARD:

Received as information.

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4. BEN BLACKSTON CONCERN FOR ZONING VIOLATION (COMMISSIONER RAYNO).

Ms. Tina Blackston said, I'm Tina Blackston. This is my husband Ben [Blackston]. We had a conflicting arrangement with our attorney so he was not able to be here today, but we decided to come on our own. We're here to appeal the medical hardship decision made on August 10th, and we're not here out of any kind of malice or revenge or any ill feelings against our neighbor. We are here to protect our own property rights and the rights of our privacy and the rights for our resale value of our property. We would like to give a little history of our situation out on Shipyard Road. In 1993 the property that we are speaking about was under construction at the time that we were building our own house, and where we live is an R-1 property, which means that there is only one house per piece of land, and our property is three-quarters of an acre. We have one neighbor on either side, and when we bought this property, this is what we thought would happen, that we would have one neighbor on either side and we have a lake in the back and a road in the front. So we were anticipating having a lot of privacy and when this little house was built that we're talking about, we contacted the Inspection's Department because we had a feeling that this property would eventually be a second residence, and at that time we were told that nothing could be done until there was a second residence begun. And when that second residence was started, we contacted the Inspectors again, and we were assured that the second residence was never going to be used as a residence, it was only going to be used as a outdoor recreation. We do have a letter from the Inspections Department at that time stating that was the intention of the owner, and so the owner at that time contacted my husband and said would you allow us to live in this house until the big house is finished because they were going to make them move at that time. And so we, trying to nice neighbors, we don't want any conflict, we're protecting our own property rights, and so we agreed to that. And so the then owner lived in the house. They finished the big house and all was over we thought and that house was being used for storage.

Mr. Ben Blackston said, the small house has been used —, this is the third time it's been used as a residence. The original building permit stated that the small house is about —, is supposed to be a storage/recreational area. The small house was the first house built on that property. I have some photos here showing this, and it shows the back of the small house with the electric meter, gas meter, dryer vent and central air conditioning. It was, you know, designed on the building permit as storage/recreational area, but it was built as a residence, you know, from the original building, and it's always been used as a residence, and it shows the second house here under construction while the —, footing on the second house. Mr. Rock Reed owns this property, he still owns it. I went a couple of days ago to the County Courthouse and get a printout on the property and his name is still on the property. He has a Mr. Tim Warren living there now and on August 10th Mr. Warren came to the Commissioners and applied for a medical hardship for his mother. Our attorney —, y'all granted that hardship and that's why we're here today to appeal that decision. Our attorney, we checked with him and —, our attorney checked into this matter for us and he told us that the medical hardship that's written in the County ordinance, the medical hardship ordinance allows for the use of a manufactured home or a temporary dwelling for medical hardship purposes and once the medical hardship is discontinued, the manufactured home or temporary dwelling must be removed from the property. The medical hardship does not allow a permanent building to be used for medical hardship. That's why we're here today to appeal that decision. We feel that the County Commission shouldn't allow a medical hardship in a permanent building.

Commissioner Rayno said, this is –, when this man came and testified before us he told us it was a former dollhouse, which to me essentially was a fabricated story that he gave us. He knew fully well at the time of his testimony that he was trying to pull one over on us.

Mr. Blackston said, Mr. Gregori Anderson I talked to him several times and his office about this and at first the people that's living there now, he stated to Mr. Anderson that he was, you know, was moving his mother in there and stated he was going to use that as the office. He wouldn't allow the inspectors, you know, to inspect the property. First he was saying he was going to use it as an office and all along it's been a residence, ever since –, it was 1984 that this property was built. I think my wife said 1994, but this goes back to 1984.

Chairman Pro Tem Murray asked, did you say earlier that there's an electric meter and everything, all the hookups attached on there and it's a separate meter on that particular house? Mr. Blackston said, yes, I have some photos here that shows that if you want to look at these. It shows that –, the small house was the first one built on the property and it's been used as a residence. There's a problem in that area out there. The property on the other side of Mr. Reed's property –. Ms. Blackston said, there's three families living there. Mr. Blackston said, yeah, there's three families living there. People are building, adding on to their houses, building apartments without permits. It's kind of rampant in that area out in there.

Chairman Pro Tem Murray asked, Jon [Hart], what recourse would the Commission have on this situation? County Attorney Hart said, if you'll recall, this was an issue in which staff recommended not granting the hardship, and I think the language of the ordinance has been accurately represented by these people as to what it says. Technically, this is not a mobile home, this is not a temporary structure. The permit is granted on an annual basis. This Commission next year, if it chose to, could decide not to continue the permit and would be well within its rights. And the alternative, if these people chose to, and they are represented by counsel and I would leave that to their counsel, they could challenge the County's application of the ordinance. Chairman Pro Tem Murray asked, does that permit run on a calendar year, so it's going to be December 31st –? County Attorney Hart said, I think it runs –. Chairman Pro Tem Murray asked, or is it from the time it was granted? Commissioner Odell said, time it was granted. County Attorney Hart asked, I'm sorry? Commissioner Odell said, the time it was granted. Chairman Pro Tem Murray asked, it's 12 months from the time it was granted? County Attorney Hart asked, it's 12 months isn't it, Gregori [Anderson]? Mr. Gregori Anderson said, from the time it was granted, 12 months from that time. Chairman Pro Tem Murray said, so which only leaves, what, about six months? County Attorney Hart said, yes. From a practical standpoint, you know, you could –, people could challenge the County's position on that. Obviously, that puts me in a unique position of defending the County's position on that. Obviously, if you were to do that, by the time it ran through the court system, you know, scheduled and you did everything you had to do, it might be easier to set your calendar and when this comes up next year, be down here to express your opinion about that and, of course, you know, it's totally within the discretion of this Commission to or to not find hardship on a particular situation. I might also add that the MPC was directed to go back and try to look at the hardship ordinance to see about adding permanent structures to that ordinance and, to be honest with you, I think the MPC is still wrestling with that problem and legitimately so. You have a zoning expectation of an R-1, residential single family dwelling in a particular area and the reason we have mobile homes and the reason that we have temporary structures in those things is so that they are easily removable, and that's why that ordinance is drafted that way. To come in and allow hardships with permanent structures, then you are challenging the integrity of what the R-1 zoning classification was meant to be within Chatham County, single family residential, and it is very difficult to draft a statute that would allow a permanent structure that would in essence classify as a separate dwelling or home, which basically puts you –, makes all your R-1's, R-2's within the County, and I think from a policy standpoint that has got real problems with it. People have reasonable expectations when they buy into an R-1 residential district that they will maintain their house values. So I think that this is an issue that needs to be carefully considered about the granting of hardships to people and it's also an issue about how often you're going to grant that hardship and I think clearly this Commission next time around when this comes up has the discretion and power to find that, you know, it does not need to grant –. It's purely policy at this point.

Chairman Pro Tem Murray said, I want to ask something on clarification, too. On clarification, if –, when it comes up after the 12 months it does not automatically come back to us. It's up to the Inspections Department to either continue that –. Mr. Anderson said, no, it comes back to the Commission. Chairman Pro Tem Murray asked, it will automatically come to us? County Attorney Hart said, yes. Chairman Pro Tem Murray said, okay, so we don't have to request it coming back to us. County Attorney Hart said, no, sir. We –, the only people that can grant hardship exceptions is you folks right here.

Mr. Blackston said, my wife and I, we have nothing against a medical hardship. We're just trying to keep this from being rental property. This is, you know, this is the third time that house has been occupied and it was built in the back corner of the lot and I have some photos you can look at, and the bathroom and the kitchen and dining room windows is nine feet from the property line, which is built too close to the property line. In Chatham County the ordinance says a residence has to be at least 10 feet from a property line. It's encroaching on that. Ms. Blackston said, can even tell [inaudible].

Chairman Pro Tem Murray recognized Commissioner Odell.

Commissioner Odell said, just a follow-up question to Jon [Hart]. Trailing on what Commissioner Rayno said, if the information we relied upon to provide the hardship at the time it was given or shortly thereafter was true –, known to be

untrue, can we amend that hardship based upon that? Or at least have a show cause hearing. Here's my point. We made an exception to the ordinance. The exception to the ordinance was relying upon certain facts. If those underlying facts were untrue, it occurs to me once we have that information that we can make that adjustment. Is that what you were thinking, Jeff [Rayno]? Commissioner Rayno said, particularly along the lines we're sworn to uphold the law and the fact is we're violating the law right now by what we've done and I think that supercedes -. Commissioner Odell said, and if we have knowledge of that -.

County Attorney Hart said, the only -. I know where you're going with this and agree in a general sense, but our hardship ordinance is not written with a remedy for show cause so I don't want to step out there and say that we can do it that way. I'll be glad to look at what procedures we have for that purpose. You recall, Mr. Anderson I think was directed to go out there and look at that -, those premises and initially was denied access, and we indicated, you know, either we obtain access or you forget about this matter going any further. So -.

Chairman Pro Tem Murray asked, do we have the dates -, do you have the dates with you when that was approved, when it was in effect? County Attorney Hart said, no, sir, I don't. Mr. Anderson said, not with me. County Attorney Hart said, that's something if these folks will give the County Attorney's office a call next week, you know, we can go back through the minutes with the Clerk and find out when that -. The Clerk said, it was approved on August 10th. Chairman Pro Tem Murray asked, August 10th? Mr. Blackston said, I have the minutes of that meeting here. Ms. Blackston said, we have the minutes of the meeting.

Commissioner Rayno asked, is there a C.O. on that particular building? Mr. Anderson said, not to -, not to our knowledge. Again, this building dates back to 1984 and we kind of prepared this -, this problem, once it was brought to our attention to the Blackstons, and pursued the violation at that time. Commissioner Rayno said, okay. Can anyone legally occupy a building in Chatham County without a C.O.? Mr. Anderson said, well, no. Commissioner Rayno said, all right, there you go. Let's -, I make a motion in three months we ask them to move that person out of that building. Chairman Pro Tem Murray said, I have a motion to -. Commissioner Odell said, I'll second that.

Chairman Pro Tem Murray said, motion and second to -. County Attorney Hart asked, for the landowner to move the person out of the building or what? Commissioner Odell said, that the building be vacated, not just that person. We don't want any person. Commissioner Rayno said, that's right, plain and simple. Chairman Pro Tem Murray asked, do we have any other discussion?

Commissioner Kicklighter asked, what was the illness of the person that -, from the minutes, I mean, what -. County Attorney Hart said, I don't recall. They did have a doctor's certificate -. Ms. Blackston said, in the minutes it doesn't say the particular illness. Commissioner Rayno said, it was a mental disposition of some kind. Commissioner Kicklighter said, because, I mean, I fully understand what's going on now, but I don't want to just on a whim put some disabled person out of a house or whatever. Mr. Blackston said, well, just -, I can state that the person's not disabled in a wheelchair. This person, you know, lady works in the yard planting flowers. She gets in her car and goes to and from several times a day. Commissioner Kicklighter said, oh, really. Mr. Blackston said, and she's not in a wheelchair or anything like that. Commissioner Kicklighter said, okay. Ms. Blackston said, we don't know the nature of her illness or anything.

Commissioner Odell said, Jon [Hart], just for clarification, assuming that the motion passes, would at that point the occupier of land would be invited back here and a decision could be made? County Attorney Hart said, I don't know the answer. I've got to think about it. My gut reaction is that would be probably one of the better ways to handle it so that the person has notice and an opportunity to be heard. Commissioner Odell said, right, and that would take care of Dean's [Kicklighter] question because if there are legitimate reasons which are not being brought forth, we as a Commission would have an opportunity. Absent those legitimate reasons, then we should comply with the ordinance.

Commissioner Kicklighter said, now, I will state that this whole thing, and again I understand that this could backfire really bad on you in an unsightly wagon of a living quarters could be drug onto that property to meet the ordinance if this person is legitimately, you know, disabled and needs help. So -, but if you're seeing her work out in the yard and drive off, then maybe -, maybe not, but -. Mr. Blackston said, well, just the first house it was, you know, a residence. It really shouldn't have never been built -. Commissioner Kicklighter said, right. Mr. Blackston said, you know, I understand -. Commissioner Kicklighter said, and I understand what you're -, I'm just saying what could possibly happen. Mr. Blackston said, they slipped it in there, you know, calling it a -, on the building permit a storage/recreation building and it was built as a rental house.

County Attorney Hart said, Commissioner Kicklighter raises a very interesting point though. Technically, if these people meet the medical requirements, let's assume for a second they have a legitimate medical problem, you could back a trailer up in there with permission under our ordinance, if y'all granted the hardship, and live out of a trailer. So that's the only thing -. Commissioner Kicklighter said, because as hard nosed as I seem at times, I'm not going to put a disabled, dying person out in the street. I mean -. County Attorney Hart said, that is a decision this Commission has to make. Mr. Blackston said, that is not our intention either. Ms. Blackston said, at all.

Chairman Pro Tem Murray said, well, I think they would have to have documentation to show -. County Attorney Hart said, correct. Chairman Pro Tem Murray said, so when they come in here -. Commissioner Kicklighter said, that's why

I think we need to see them before we make any type of decision. See this person in person. Chairman Pro Tem Murray said, okay, do we have any other discussion on the motion?

Commissioner Odell said, restate it, Frank [Murray], so that everybody is clear. Chairman Pro Tem Murray asked, Jeff [Rayno], you want to restate your motion? Commissioner Rayno said, the motion is to give the folks three months to find other accommodations for this person and vacate that building permanently because there's no certificate of occupancy, which is in violation of Chatham County laws.

Mr. Blackston said, I would like to state that the main house on that property is a two-story house about 3,000 square foot and Mr. Warren is living there, you know, by himself in that house and his mother is using that storage/recreation building, which is really a residence, and she's staying in that one by herself. So, I mean, there is –, there's plenty of room in the main house, you know, for two people and, you know, the storage/recreation building should be used as what the County building permit stated and not as a residence.

Chairman Pro Tem Murray asked, any other discussion? Let's vote. Chairman Pro Tem Murray and Commissioners Rayno, Odell and Gellatly voted in favor of the motion. Commissioners Rivers and Kicklighter voted in opposition. The motion carried by a vote of four to two. [NOTE: Chairman Hair and Commissioner Thomas were not present; District Three was not represented.] Chairman Pro Tem Murray said, the motion passes. Okay, thank you. Jon [Hart], I would assume that you will send them a letter and have them come to one of our meetings. County Attorney Hart said, yes, sir. I'm going to look and see what we need to do. We may have to come back if I need to modify that and set it up and say this is what I think we need to do. Chairman Pro Tem Murray said, okay.

Ms. Blackston said, thank you very much for hearing us. Mr. Blackston said, thank you.

Commissioner Odell said, so you'll send notice to them and to the –?

ACTION OF THE BOARD:

Commissioner Rayno moved that the County give Mr. Warren three months to find other accommodations for this person occupying the second house on the property on Shipyard Road and that they vacate that building permanently because there's no certificate of occupancy, which is in violation of Chatham County laws. Commissioner Odell seconded the motion. Chairman Pro Tem Murray and Commissioners Rayno, Odell and Gellatly voted in favor of the motion. Commissioners Rivers and Kicklighter voted in opposition. The motion carried by a vote of four to two. [NOTE: Chairman Hair and Commissioner Thomas were not present; District Three was not represented.]

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5. POOL OF CANDIDATES FOR COMMITTEE APPOINTMENTS (COMMISSIONER RAYNO).

Chairman Pro Tem Murray recognized Commissioner Rayno.

Commissioner Rayno said, this was a suggestion a year and a half ago by Marianne Heimes, who's sitting in the audience, to have a pool of candidates for committee appointments to the many committees that we have and we still have many vacancies, and to add to her idea I think that what we should do is have a quarterly meeting put together by Human Resources which would educate the potential candidates about what positions are open, what would be the extent of their responsibilities, what are the legal ramifications of the decision, how they interact with the County Commissioners, and where they stand in terms of the hierarchy, and it would be similar to what you would go to if you went to the Carl Vinson Institute of Government. It would be that kind of a program which probably lasts about a half a day to a full day, and they would also have an opportunity to sit down with the Commissioners and talk to us about what we believe their role is in these various appointments throughout the County, and I think if we do that, we'll interest more people to get involved in the process because I think a lot of times people don't want to serve because they're afraid of the unknown, and if we give them the opportunity to see what it's all about, we could have a ready pool of candidates and we could go into Executive Session and pull from this pool and fill all these positions and be done with it, as we should.

Chairman Pro Tem Murray said, that sounds like a good idea. I would like to go a step further though and say that we need to redo our total appointment process and the process that we as Commissioners go through when we appoint people. But that, you know, but I wouldn't have a bit of trouble supporting that. Any other discussion? Commissioner Rayno asked, shall we just provide the staff with this? Chairman Pro Tem Murray asked, what? Go ahead and say it.

Commissioner Kicklighter said, okay. My concern would be that some good people may be put in this pool and remain in this pool for various reasons because there's not a thousand appointments open. It could be very insulting and discouraging to the people where they eventually withdraw their name and would never serve, and –, because I know with me appointing, and I believe any of us, we know different people that we feel would be good on different boards, and just because someone, you know, someone may have a knack for recreation, so they'd be good for that. Someone else may be interested in, you know, reading, so there's the library board, but sitting in a pool the vacancies may not

come up and it could eventually discourage the applicants where they withdrew their name and lost interest, you know, forever on something like that. So I'd hate to see that happen too possibly.

Chairman Pro Tem Murray recognized County Manager Abolt.

County Manager Abolt said, gentlemen, I think it's an exciting idea. I do want to offer –. Commissioner Kicklighter said, [inaudible]. County Manager Abolt said, they're all exciting. Hey, I'm 60 years old, a lot of things are exciting. This is exciting. No, this does imply a responsibility on the Board, like Commissioner Kicklighter said. You might want to do this in a multifaceted way because you recall we did a study a number of years ago, Ms. Tillman did, on whether or not you want to keep certain boards. So I think staff could certainly come up with a whole plan of action, which might begin with you all reviewing your number of boards and deciding how many you want to continue. So the very thing of expectation, we don't say we have, you know, 25 boards and somebody says I like that board and maybe that board is passé. Plus then you also have to decide, and only you can decide, is would you only appoint from the pool because that means one would have to be eligible and volunteer to go through the training to in effect become certified, and that's neat, but you, as the appointing body, have to make those type of decisions.

County Attorney Hart said, I might also add that Ms. Tillman and myself met this week to look at a lot of our committees and we feel like a couple of other meetings we ought to be in a position to make some recommendations.

Chairman Pro Tem Murray said, it would be good if we had that in place right now because we've got some appointments that expired back in 1991 and people have not been appointed yet to those boards, so I think we need to go through that whole process. Some are deceased at this point also, so it's obvious those boards are not functioning. We don't need to take any action other than staff is going to bring some things back and Jon [Hart] and Emily [Garrard] –, okay.

ACTION OF THE BOARD:

Staff was directed to review the committee appointment process and bring back recommendations to the Board of Commissioners.

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CHATHAM AREA TRANSIT AUTHORITY

The Board recessed as the County Commission at 10:28a.m., and reconvened as the Chatham Area Transit Authority.

The Chatham Area Transit Authority was adjourned and the Board reconvened as the County Commission at 11:10 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 (*).

Note: At the meeting of October 5, 2001, Second Reading items 1 and 2 were continued to the meeting of December 7, 2001.

At meeting of December 7, 2001, Second Reading items 1 and 2 were continued to the first meeting in March 2002.

1. **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 –

2. **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 ANR-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 Pro Tem Murray said, we need a motion to take these items off the table. Commissioner Rayno said, motion to take it off the table. Chairman Pro Tem Murray said, all right. Do I have a second? Commissioner Odell said, I'll second it. Chairman Pro Tem Murray said, all in favor say aye —, push the button.

County Manager Abolt said, there was a [inaudible], we were asked to explain why the "or" here in the item. Actually this is the same item. I understand the reason for [inaudible] has to do with [inaudible] and MPC staff obviously is in one position, so I will attempt not to speak for MPC staff, but only as a member of the Metropolitan Planning Commission. This is an issue that, to say the least, has been most controversial over a number of months. When it appeared before the MPC on more than one occasion, there were certain expectations that delaying it for more time might be advantageous to all parties. The last time the Metropolitan Planning Commission had this on their agenda, it became obvious that in the most recent of those delays that we've fallen, as a body, into a situation in law where the 30 days lapsing, the application was deemed approved. This was violently, and I use that term with purpose, objected to by the majority members of the Metropolitan Planning Commission and, in effect, they wanted to go on record as anti the situation even though they understand that by law there was a time that lapsed, there was no action, there was approval, but members of the MPC felt that they had been the victim of not being fully aware of what their options were.

Mr. Clyde Wester said, as Mr. Abolt said, the two items being Item VIII-1 and VIII-2 are related and, in fact, they are the same petition, which is unusual. I would like to report first on Item VIII-2 because in chronological order this came first and is the official record on this petition. On the petition the MPC did not submit a report to the County Commissioners within the required 30-day period from the date this petition was submitted for review. Therefore, in accordance with the Zoning Ordinance, the MPC is deemed to have approved the requested zoning changes. The report to the Board for Agenda Item VIII-2 explains the circumstances that resulted in the delay of action by the MPC. I think perhaps for the record that I should read the recommendation of the MPC, which is as follows: "The MPC is deemed to have approved the requested change in zoning from an R-1 classification to a P-B-N classification in accordance with Section 11-2.6 of the Chatham County Zoning Ordinance." And I mentioned that record is of course in your package. In regard to Agenda Item 1, VII-1, I would like to present also a report on the subsequent action that was taken by the MPC regarding this petition. The action is advisory only, which is important to mention and I'm sure Jay [Blackburn] is getting ready to interrupt me now to discuss that fact. However, as I said, it's advisory. I do think it's legitimate to report the MPC action to this Board for information and we'll do so.

Mr. Jay Blackburn said, I want —. Chairman Pro Tem Murray said, well, let him finish and then you'll have your say, okay. Mr. Blackburn said, well, I want to make an objection —. Chairman Pro Tem Murray said, that's fine. I want him to finish what he's saying and giving his [inaudible]. All right, go ahead, Clyde [Wester].

Mr. Wester said, the advisory action is reflected in a memorandum to the Board of Commissioners, which was dated August 30, 2001, and again was in your package. The circumstances of the later action on this matter or this, the petitioner did appear at the August 21, 2001, MPC meeting to present a general development plan for approval. This I will stress was after the lapse of the 30-day time period that is allowed for action by MPC, but he did reappear to ask for an approval of a site plan. The action that was taken by the Planning Commission at that meeting was to recommend denial of the petitioner's request to rezone the property. There were two concerns expressed by the Planning Commission as the basis for the recommendation of denial. One, the B-N district allows certain uses that are not acceptable in this particular location, examples being convenience stores, restaurants, package shops, retail automotive parts and tire stores, and the like. There was an additional concern that traffic impacts of the proposed rezoning had not been addressed. So with those remarks I'll step aside.

Chairman Pro Tem Murray said, okay, Mr. Blackburn.

Mr. Blackburn said, thank you, Mr. Chairman. We object to the second part of that report even being considered under the statutes. The Planning Commission is deemed to have approved this, and then to say that they don't like what the law says so they're going to go back and vote on something else to say what they want to say really isn't the right thing to do, and that's what happened here. If anything in this situation, the Jenkinses are the victims. They didn't ask for their property to be taken for a roadway. They didn't ask for all of the buffer on this single family house to be taken out so that this single family house sits right on Highway 80 immediately next door to a Huddle House, directly across the street from a McDonald's, an Applebee's, a car wash and a Sonic Drive-In. We've given each of you a package that is primarily photographs. The first photograph is an aerial photograph of this area. The reddish colored space is the property we're talking about. The roadway is no longer aligned as you see it in this photograph. The roadway has now been changed so that if you notice the red doesn't go all the way to the point and right now this Old Oatland Island Road would run right along the edge of the red. We have some photographs I think that will depict that later. But if you go to the third page, this photograph is taken at the entrance to the shopping center that contains Wal-Mart, Publix, Dollar

Store, Friedman's Jewelers, a number of retail outlets. As you can see, that roadway if you went straight, you'd run right into a Huddle House. The house you see immediately to the left in that photograph, the white structure, is the property we're talking about. It sits right next to the Huddle House, it faces into the other shopping center. If you look at the second page, and you'll notice where it says subject property and there are a couple of arrows, you can sit in the Sonic Drive-In and shine your headlights in the bedroom window of this property. Now the photographs that are here were actually taken before the road was finished so there's still a little bit of the underbrush and all there, but the fact remains that you've got a clear view of Sonic from the bedroom window and people sitting in the Sonic Drive-In have clear view of your bedroom windows. The third page are pictures taken from the house, or standing right outside the house. As you'll see, the first one isn't that good, but you can see the structure on the lefthand side of that is the carwash. The structure in the middle is the Sonic Drive-In, and the structure to the far right is Barnes Restaurant. If you turn to the fourth page, this one was taken from the Sonic Drive-In. You can see the little menu on your left, and directly in your face in the middle of the photograph is the subject property. The picture below that is a little wide –.

Chairman Pro Tem Murray said, excuse me. Before you go on. On that photo on the top of the page that you're looking at, that in essence is not directly across Highway 80 from that. It is down the road and across from Highway 80 on the opposite side. Directly across from that house on Highway 80 is Applebee's Restaurant, if I'm not mistaken. Mr. Blackburn said, Applebee's and the car wash. It kind of sits inbetween in –. Chairman Pro Tem Murray said, but this is kind of misleading because it looks like it's directly across the way the picture was taken. Mr. Blackburn said, well –. Chairman Pro Tem Murray said, I just wanted to clarify that.

Mr. Blackburn said, and I would point out that when you sitting in that drive-in, you're sitting at an angle, and so it was taken at the angle you're sitting at the drive-in thing. You can see the vacuum cleaner for the car wash right there. This next one was taken from a little further down to give some perspective and you can see that the Huddle House, an outdoor advertising sign and the shopping center are immediately next door. The last set of photographs are taken since the roadway has been finished. The top picture is from the area between U. S. Highway 80 and the frontage road. As you can see, this house sits right up on the frontage road. The bottom picture gets the frontage road as well as the shopping center next door. I want to point out again that the Jenkinses are the victims. They didn't ask for the frontage road, they didn't ask for the other road to be built, and they didn't ask for the County to take part of their land. Part of the argument against this rezoning has been that this is part of Grays Subdivision. The second item in your package is a map of Grays Subdivision. The subject property is at the bottom of the page. It is next to Grays Subdivision, but it is not part of Grays Subdivision. It's part of Riverside Subdivision. The reason that that's of importance is that the argument's been made that, oh, it's part of Grays Subdivision and that's an established neighborhood and shouldn't be disturbed. Well, rezoning this doesn't disturb that established neighborhood and it doesn't disturb anything to do with the layout of that subdivision.

Commissioner Odell asked, Mr. Blackburn? Mr. Blackburn said, yes, sir. Commissioner Odell said, let me see if I understand. This place is next door to a Huddle House. Mr. Blackburn said, yes, sir. Commissioner Odell said, and you can sit in the bedroom and see who's ordering at Sonic. Mr. Blackburn said, yes, sir. Commissioner Odell said, you can smell the hamburgers and french fries cooking. The second part of your argument is that it should be a Planned Neighborhood Business simply because it looks like it's part of a planned neighborhood business. Mr. Blackburn said, also because it's partially zoned that way now. Commissioner Odell said, okay. Yeah, and the second half of your request is that MPC had 30 days to –, to file it's petition and failure to do so is approving your request. Mr. Blackburn said, it is and let me point out that this item has been around for awhile. It went back to MPC. I believe that we made three separate appearances at MPC, that at MPC's direction we met with the neighborhood. We worked on compromises. We worked on different site plans that might work that would make everybody happy. At one point we proposed that instead of teeing up the intersection here, that a cul-de-sac be put on Old Oatland Island Road because that would protect this neighborhood better than anything else that the County could do. It would also buffer this property and the other commercial properties that's adjacent to it from the neighborhood and would keep any related traffic out of the neighborhood. The neighbors opposed putting a cul-de-sac there and the Commission in its wisdom voted that proposal down and decided to go through with straight –. If you look at this map, Oatland Island Road curves. When the frontage road was put in, they brought it out to a T-type intersection. So this whole little triangle here is no longer part of the property and actually sits on the opposite side of the Old Oatland Island Road and very much buffers the properties on this side from anything going on there and really buffers Grays Subdivision from what's going on. Commissioner Odell asked, Jay [Blackburn], what's directly across the street from this property? Frank [Murray] had indicated that –. Chairman Pro Tem Murray said, Applebee's. Commissioner Odell asked, it's Applebee's? Mr. Blackburn said, this one right here is Applebee's. Where this wooded area is on this aerial photograph is now the car wash and Sonic. Commissioner Odell said, okay, so across from it is Applebee's and Sonic and next to it is a Huddle House. Mr. Blackburn said, yes, sir.

Commissioner Kicklighter asked, so are you saying that right now this road actually goes straight across, cutting the corner off, so this little bottom corner would remain a buffer area? Mr. Blackburn said, yes, sir. Commissioner Kicklighter asked, this corner is not a part of your request to –? Mr. Blackburn said, it is not part of our request, and in fact it's now owned by the County. Commissioner Kicklighter asked, so then you would be separated from this residential neighborhood by a buffered area that you can't touch as well as a road? Mr. Blackburn said, yes, sir. Absolutely. We have some additional photographs –.

Commissioner Odell said, if we're ready for a motion, I'll make a motion to –. Chairman Pro Tem Murray said, no, I don't think we are. We've got some other people out there that wanted to speak to this.

Mr. Blackburn said, I ordered two sets so we can start them at both ends. These were taken yesterday and show a little more of the configuration of the roadway.

Commissioner Odell said, Jay [Blackburn], not to interrupt you, but you've got one and two. Is it your request that it be Planned Neighborhood Business? Mr. Blackburn said, yes, sir. And I would point out that by making it Planned Neighborhood Business, this goes back to the MPC with any proposed site plan, and what we had tried with the MPC originally was to come up with some sort of site plan that would make everybody happy, and what happened is as time went on it became obvious we couldn't make everybody happy and there was no way to get agreement and that was when we were sent back again to try to make everybody happy was when we said, okay, we've done this enough, we're entitled to go to the Commission now and we'd like to go. I would also point out, and –, that there is pending a –, the condemnation suit in this matter. The County now owns land on the front and along the side, but the values have not been determined. If the property is not made less valuable, then the County doesn't pay these people very much, but if it remains residential and is subjected to these other forces, then the property loses practically all its value and it's our belief that the County will pay significantly more because of the taking of that value. I would also point out that rezoned it returns property to the tax rolls, property that would be valued higher and would, therefore, reap the County higher benefits, and just from a cost standpoint, the –, and I'm not saying that cost ought to be the only consideration in any matter, and particularly in a zoning matter, but in this particular zoning matter the County comes out way ahead cost-wise by approving the rezoning than it does by disapproving it. And again I would point out that part of the property, and this is –, this is a difficult map to see, but you can see that this little part right here is already zoned P-B-N and at some point we can survey and get into the argument about whether or not it's 50% of what's there because if it's 50%, then it is already zoned. If it's not, then you couldn't use it, but we didn't want to even have to get into that issue because we believe that the best use and the most economical use would be as a P-B-N and that that would be best for the County, it would be best for the entire situation. And I'll be glad to answer any questions anybody has.

Commissioner Rayno asked, have we bought that property yet right there? Mr. Blackburn said, you've got possession. County Attorney Hart said, we have possession. Commissioner Rayno asked, have we paid for it? County Attorney Hart said, we've paid into the registry of the court. There hasn't been a final determination as to what we're going to pay. That will be up to a jury to decide. Commissioner Rayno asked, if we make a decision today to rezone that, does that give them the opportunity to go back and renegotiate price down the road? County Attorney Hart said, well, obviously it changes the zoning classification from residential to commercial and you're going to be valuing it at a different –, you have to look at values differently, and values –. Commissioner Odell said, that should not be a consideration, and the reason it shouldn't –, Jeff [Rayno], this might trial onto what Jon [Hart] answered. Commissioner Rayno said, go ahead because –, that's fine.

Commissioner Odell said, I just wanted to –, if we make a decision based upon our vested interest, to do so would increase the cost that we'd ultimately have to pay, and to me that's malfeasance. We can't do that. Now our decision cannot be based upon if we do, say, arguably the right thing and it costs us more, then we shouldn't do it because it will cost us more is my point. That's not only logical, we can't do that.

Commissioner Kicklighter said, and I'm going to –, I'm going to agree with the Commissioner on that –.

Chairman Pro Tem Murray asked, Commissioner Rayno, were you through?

Commissioner Rayno said, no, I'm just so enlightened by Commissioner Odell every day. Commissioner Odell said, I try to. Mr. Blackburn said, it's our position it would cost you less. Commissioner Rayno said, I'm not quite finished yet. So you're saying we can't do that, we'd probably get sued if we did do that. Is that what you're saying, malfeasance? Commissioner Odell said, I have some problems with our motives being selfish and not in accordance with policy and procedure. That's why I say –. Commissioner Kicklighter said, just doing the right thing. Commissioner Rayno said, but if we weigh it in terms of long term though, a commercial digest property is going to yield higher numbers for the digest, plus you're going to get the sales tax revenue over the course of time, so if you put it on a scale over time, it's going to be the best use of that property.

Mr. Blackburn said, and it would not have damaged the property as much, the taking wouldn't have damaged the property as much because the higher use actually isn't impacted the way a single family residential property would be impacted.

Chairman Pro Tem Murray said, I've got a few questions. On the front page where you've got the aerial view, and I know what the parcels are behind that but the rest of the people up here don't, are those homes directly behind that property? Mr. Blackburn said, there is one directly –. Chairman Pro Tem Murray asked, and are people living in those home directly behind that property? Mr. Blackburn said, yes, sir. Yes, sir. Chairman Pro Tem Murray said, so if we do what you're requesting us to do, what is the difference in that home looking right into the back of this one and the one you're talking about rezoning looking directly across Highway 80 into another business, and also the homes, if you'll come down the Grays Creek –, Grays Subdivision, the homes that face that frontage road look directly across to some of the commercial stuff too. They look down the road to the commercial stuff. Tell me the difference. Mr. Blackburn said, there are several differences. Chairman Pro Tem Murray asked, what are they? Mr. Blackburn said, number one, the homes that you're referring to behind it already look into a shopping center. Chairman Pro Tem Murray said, but they don't look into that particular place that you want to rezone and build commercial property. Mr. Blackburn said, they don't –, well, they do look into it, but they look into the –. Chairman Pro Tem Murray said, they look into it, but right now

it's residential. Mr. Blackburn said, right, and with a "P" designation it can be -, it's residential and they can go in tomorrow and clear-cut it and give these people a clear view of all the property across the street. If it's zoned commercial, then the Tree Ordinance comes into play as well as the planned requirements of the Zoning Ordinance and the MPC, which would require that the property be buffered so that it actually will assist in blocking the view of all the commercial development across the way. Commissioner Kicklighter asked, would the -? Chairman Pro Tem Murray said, is someone right now living in that house? Mr. Blackburn said, yes, sir. Unless they've moved in the last month or so. Chairman Pro Tem Murray said, I'm talking about the house on the property that you want to rezone. Mr. Blackburn said, they were up until a month or so ago. I'm assuming they're still there. Chairman Pro Tem Murray asked, is someone still living in the house? An unidentified gentleman in the audience said, off and on. Chairman Pro Tem Murray said, okay. And how long has the Huddle House been built there? Mr. Blackburn said, I'd say, three, four or five years. Chairman Pro Tem Murray said, it's been a lot longer than that, I think. Mr. Blackburn said, you think. The shopping center's been there a long time. Chairman Pro Tem Murray said, I know it has, and that -. Mr. Blackburn said, but the Huddle House was added later. Chairman Pro Tem Murray said, there is some distance and there is some buffer between the Huddle House and this property, where the home sits. Mr. Blackburn said, it's only on -, only on this property. Chairman Pro Tem Murray said, that's what I'm saying. Mr. Blackburn said, but there -, if you look at the photographs, you'll see the fences coming down and -. Chairman Pro Tem Murray said, okay. All right. We've got some other people in the audience that want to speak.

Ms. Renita [phonetic] Ball said, my name is Renita Ball. I am one of the very close neighbors to this property. I'm not sure where it starts with all this stuff on here. One of the things when they were talking about having it P-B-N and we were trying to work with the Jenkinsees to -, so that they could zone it commercial, we were asking for some restrictions. One of the things we understood that P-B-N did not offer a very large buffer at all. We wanted a larger, wider buffer, higher buffer. And another thing, we wanted some restrictions as far as no restaurant and no liquor store. That -, I'm not talking about across 80, but just in the small -, of this small shopping center that is beside -, directly beside the Huddle House there's five restaurants, a liquor store and a bar, along with convenience stores, a couple of doctors' offices and other things like that. We don't need another bar, another restaurant. There's plenty of things across the street, plenty of places for people to eat, plenty of bars, plenty of liquor around our area. We have children that constantly walk across that area to the convenience store. We just don't need any more liquor or a restaurant, and that was one of the problems we could not agree upon when we were talking back and forth between the MPC. Now I don't have one the maps or anything that you're looking at so I'm not sure what triangle you're talking about when you're talking about a triangle that the County owns becoming a buffer. The triangle that I think you're referring to -. Chairman Pro Tem Murray said, it's where the road was straightened up to come out -. Ms. Ball said, is where the road is straightened out and the triangle is on the opposite side of the street of the property. It is not on the same side of the street as the property in resi-, the property that you're talking about. It's on the opposite side of the street so it has no way to buffer a business between it and any of the homes around it. We talked about a cul-de-sac. The cul-de-sac would have allowed a lot more of this property to become commercial if it was zoned commercial. That was our biggest complaint about not agreeing to a cul-de-sac. Some of these things you've already brought up. We're also concerned about the access road to the property that is behind the Huddle House. There's a home behind the Huddle House. Well, there's actually two homes behind the Jenkins property and behind the Huddle House, so there has to be some sort of access road. It's presently on their property. There has to be some allowance for that -, access to that home. Something that we want to go ahead and request now that if it is zoned commercial, that there will be no allowance for any access from Old Oatland Island Road to a commercial business; that all access to that business would have to be from Kim Street if you vote to have it commercial, which we hope that you don't. Mr. Blackburn said, we could agree with that. Ms. Ball said, there is already excessive parking in the evening and especially on the weekends in that subdivision -, I mean, excuse me, in the shopping center. Because of all those restaurants, because of the bar, because of the liquor store. They park along the road, along Kim Street, beside the road, everywhere they can park in order to access the Huddle House. We left home at 8:30 this morning. The parking lot at the Huddle House was packed.

Commissioner Kicklighter asked, can I ask a question? Do they park in front of his house?

Ms. Ball said, they -, I have not looked since they opened the road up, but I wouldn't doubt because they park all along 80. You know, just park just off of Highway 80 to get access to the liquor store and all those places, the bar, the restaurants, whatever it would seem that they would park there. It would be a little safer in front of that area along Kim rather than along Highway 80. There have been new homes built on Kim Street which faces all of this in the past three years. So it -, this property is not completely useless as residential property.

Commissioner Odell asked, would you agree this property is next to a Huddle House? Ms. Ball said, yes, it's next door. Commissioner Odell asked, and across the street is a Sonic's? Ms. Ball said, exactly. Commissioner Odell said, okay. And the problem -, the overflow of traffic from the Huddle House probably parks in front of this man's property? Ms. Ball said, we haven't seen it as of yet, but that could be a possibility. Commissioner Odell said, okay. Within the triangle, and do you agree that there's a triangle? Is that yes, you do? Ms. Ball said, I see the triangle. That's the part that -, that's where the road has gone through now. Commissioner Odell said, okay. Ms. Ball said, the road brings that triangle apart from the business property. Chairman Pro Tem Murray said, what's happened is this road has been [inaudible] with that curve taken out and it cuts straight into here right now, so this map is kind of misleading. Commissioner Odell said, okay. Chairman Pro Tem Murray said, it comes straight out here, so this triangle now is part of this side. Commissioner Odell said, I'm trying to understand why there's some opposition to -, other than just preferences -, this property being rezoned as a Planned Neighborhood Business. The neighborhood association opposes it, is that true? Ms. Ball said, we don't have a neighborhood association, but everyone in this area opposes

it. Commissioner Odell said, okay. And do you have a petition to that effect? An unidentified woman in the audience said, we have wrote a letter to the MPC and everyone signed it –. Commissioner Odell said, okay. The unidentified woman said, we submitted it to the MPC when this all first started. Commissioner Odell said, and tell me, as concise as you can, the nature of your opposition given the fact that this property is next door to a Huddle House, across the street from a restaurant of some kind. Ms. Ball said, it will open up the rest of the neighborhood for incoming commercial –, this is a buffer to our neighborhood now. Commissioner Odell said, absolutely. Ms. Ball said, it opens it up even more so than it is open now. Commissioner Odell said, my point being that if they did not allow access off of Oatland Road, would you agree or disagree that that would prevent opening your neighborhood up? Ms. Ball said, it –. Commissioner Odell asked, or would it limit it, or would it have any impact? Ms. Ball said, it would open it up to the houses that are behind it and have a large impact because we are buffered by some of this property from the businesses across the street and from the Huddle House. This would open it up. We would have –, we would be opened up to this business as well as to the businesses across the street and to the shopping center. Commissioner Odell said, okay. Dean [Kicklighter] has a question. I'll yield to Dean [Kicklighter].

Commissioner Kicklighter said, I've got a tough question, and I understand your concerns and I don't blame you for being concerned. I would be too. My question's pretty tough. Would you want to live where they live? Ms. Ball said, they purchased this property knowing all this. The only difference –. An unidentified gentleman in the audience said, that's not true. Ms. Ball said, the only difference is the access road that's changed. Kim Street. Commissioner Kicklighter asked, but would you want to live –? Ms. Ball said, no, I wouldn't want to live there. Commissioner Kicklighter said, because what I'm saying is currently their property by you is –, and it has to be horrible because this is –, they're surrounded by business. Ms. Ball said, exactly and that's exactly what will happen to my home if it's change. Commissioner Kicklighter said, but the difference is is your home is not going to be located on a highway where 45,000 cars go up and down, and they walk out the front door and will get –, get hit. I mean, they're –, the road actually went on their property. Chairman Pro Tem Murray said, no, that's the access road. That is not Highway 80. Commissioner Kicklighter said, okay, that's not 80 running right across? Ms. Ball said, no, that is not 80. Chairman Pro Tem Murray said, that's an access road. Commissioner Kicklighter said, but there's an access and then 80, right? Chairman Pro Tem Murray said, the access road –, the road was extended from there, it came in on down to the shopping center. The State said that had to go in in order to install the traffic signals down at that intersection. That's why all this access road was [inaudible] to begin with, and it's a State requirement for the traffic signals. Commissioner Kicklighter asked, can we clear up one thing, a question that I don't know if it has any validity or not to it or whatever, but she said they bought it knowing it was residential. Is that true? Ms. Ball said, it was residential when they purchased it. No, they did not know this road was going to go through –. Commissioner Kicklighter said, okay, that's what I needed to know. Ms. Ball said, even though all of this has been in the works concerning that traffic light for several years. This is have an a up-in-the-air question. Commissioner Kicklighter asked, when you purchased that home, did you actually live in it, the people that purchased it, or what? Mr. Blackburn said, his nephew lived there. Mr. Jenkins said, my sister and my nephew. Mr. Blackburn said, they owned the adjoining property for a number of years and then purchased part of this property. They did purchase four or five years ago, but part of it they've owned for 10 or 15 years. Commissioner Kicklighter said, okay, now I have a question if I can for Jon [Hart] or someone, with this Zoning Ordinance would they have to place a large fence of any type up for the rear or –? County Attorney Hart said, I'm not familiar with B-N. It's pretty liberal zoning. Mr. Blackburn said, the plan B-N would require a significant buffer against residential neighborhoods. Commissioner Kicklighter said, okay, and what would significant be? Mr. Blackburn said, it would be a minimum of 25 feet and it may –, I'd have to yield to the MPC staff, it may require a 50-foot buffer, but I know it would at least require 25, and the owners are not opposed and they actually said in the MPC meeting that they were willing to put in a raised buffer, they would build a berm and then put a fence on top of the berm so that it would be blocked significantly. Commissioner Kicklighter said, thank you.

Chairman Pro Tem Murray said, Mr. Blackburn, you know as well as I do, and you've been in this business long enough to understand and you've been through enough of this process to understand, that doesn't mean a thing. What you're saying right now means zero. It has no credibility whatsoever, and I hope you understand that. Mr. Blackburn said, well, it may not have any credibility –. Chairman Pro Tem Murray said, because this property was zoned regardless of those restrictions and they decided to sell that property. And I'm not saying they're going to do that, but if they did, what's the new owner going to do. Mr. Blackburn said, exactly, and that's –. Chairman Pro Tem Murray asked, and what kind of loopholes are still there within our ordinances to go back in and change all that? I mean –. Mr. Blackburn said, and oddly enough the "B" designation probably gives more control to the Planning Commission and Planning Commission staff than any of the other planned unit type developments. Chairman Pro Tem Murray asked, how many loopholes have you gotten around on other zoning projects you've worked on? Mr. Blackburn said, very few. Very few, Mr. Murray. Chairman Pro Tem Murray said, ah, don't tell me that. I've known you a long time. Mr. Blackburn said, not nearly as many as [inaudible]. Chairman Pro Tem Murray said, well, I understand that too, but the fact is they're there.

Commissioner Kicklighter asked, may I finish? Chairman Pro Tem Murray said, yes, go ahead. Commissioner Kicklighter said, thank you. Do we have a zoning classification because I know we're trying to reach some type of compromise here because I feel for these residents over here. I wouldn't want anything commercial encroaching my property. I feel for this gentleman. He didn't ask for the road and, you know, I wouldn't want to live where his house is either. Is there a zoning classification where we can reach a compromise where they definitely in that zoning classification have to construct the buffer with the fence and where it's an actually safe zoning classification to protect these people, but yet to let these people utilize their property rights so as not –, you know, so they don't lose their investment either because their property value is now zero from their original investment, but if I were these people, I sure wouldn't want mine to go down because of them improving theirs. So, there has to be some type of zoning in place and, if not,

we need to create a zoning classification where it's exact that the buffers are the type that we need in there. Anybody?

Ms. Charlotte Moore said, hi, I'm Charlotte Moore with the Metropolitan Planning Commission. There are potentially other zoning districts that would be less intensive than the B-N-1, possibly also consider Section 4-6.5. It had the finding of unusual and extraordinary conditions, which would limit the use of the other property. We've done that before with other properties within the City of Savannah and the County as well, and that would require that a site plan go along with the rezoning and it would be with the condition and opportunity to see what type of buffers can be in place. Chairman Pro Tem Murray said, so we in fact can send this back to MPC for further study then. Is that –? County Attorney Hart said, well, yes. What you need to consider is the possibility of sending it back with a recommendation for an analysis under the B-N-1 or finding –, making a finding of extraordinary conditions and tagging on there qualifiers to the zoning, i.e., no liquor store, no, you know, whatever classification in there within that classification and reserve unto the Commission the right to review the site plan.

Commissioner Kicklighter said, and possibly do what –, Commissioner Murray has done a great job before in this, let's possibly someone at the MPC, I don't know if you can, coordinate with both parties here to come to some type of compromise. We're at a point now where we have to stop trying because they're being done wrong, you're being done wrong, so we have to compromise now or somebody's not going to be happy. And that happens quite a lot in government. On every decision, people –, somebody's not going to be happy, but we have a chance now to actually get together and make both parties happy.

Chairman Pro Tem Murray said, I don't have a problem with us sending it back with those restrictions in there. I still have a hard time dealing with the zoning of a piece of property when we're still in litigation over that piece of property, regardless of what that litigation is, and that's where I have another problem with it. County Attorney Hart said, that's –, that issue is a policy decision. You know, if you ask me up front whether you'd have to rezone something, I'll tell you, no, you don't have to rezone something. If you want to take into consideration of, you know, values, that's a policy decision. I can respect either way that decision is decided.

Commissioner Odell said, may I ask –. County Attorney Hart said, sure. Commissioner Odell said, I'm sorry. Frank [Murray], could I –. Chairman Pro Tem Murray said, go ahead. Commissioner Odell asked, is the Huddle House listed as a P-B-N? Is that how it's zoned? Mr. Blackburn said, yes, sir. Commissioner Odell said, okay. Mr. Blackburn said, that entire business district is P-B-N, including the Wal-Mart and the Publix and all across the street. Commissioner Kicklighter said, I can't blame them for not wanting a liquor store next to their subdivision. Commissioner Odell said, I agree totally. Commissioner Kicklighter said, you know, so –, but I have a –, my concern is that we're never going to evolve to the point that everyone is happy. What if we had six neighbors in the back of you all and they wanted a liquor store there, would we bend the rules to say, okay, we have some classic alcoholics here and they want a liquor store so should we put it in because they do? An unidentified woman in the audience but it's across from –. Commissioner Odell said, I understand that, but my point is –, my point is if you look at what's happened to this property, this property should be a P-B-N. Obviously some people are going to get upset about that, but they get upset about things all the time. The logical thing, it's next door to a Huddle House. How much P-B-N can you get? It's across the street from a Sonic –. The unidentified woman said, but it should have a buffer from that residence –. Commissioner Odell said, I think we need to have a buffer, but P-B-N gives a 25-foot buffer. How much more of a buffer –? Chairman Pro Tem Murray said, well, Harris [Odell], let me ask you something. If that –, your recommendation were to be approved, then what happens to the house across the street next to that? They're in the same situation that this property is next to the Huddle House, and it keeps on going as a domino effect right on down as long as we keep approving things like that. Commissioner Odell asked, isn't there a street here, Frank [Murray]? Chairman Pro Tem Murray said, there is a street there. That street comes straight out. Where the curve is now it comes straight out into the access road and that –. Commissioner Odell said, we have this problem on Abercorn, just before you get to Largo. It's unfortunate, but that property –, I'm going to make a motion that we –. An unidentified woman asked, can I say one thing? Commissioner Odell said, you can, but I'd like to make my motion first. That we approve the P-B-N planned neighborhood business classification. Chairman Pro Tem Murray asked, is there a second for that motion? What were you going to say? County Attorney Hart said, just a point of clarification with the Commission to reserve unto itself, if that is the motion, the right to review site plans that are planned. Commissioner Odell said, yes. That provides certain –. Chairman Pro Tem Murray asked, so are you trying to approve something without sending without back to MPC for their consideration? Commissioner Odell said, yes, can we amend that? Chairman Pro Tem Murray asked, wouldn't it be better to send it back to MPC and let them come back with a new recommendation on it with some restrictions that we've requested? Commissioner Odell said, I could –, I think I could live with that. I'll –.

Mr. Blackburn said, we've been back and each time we come to this of we've got an impasse about one particular use or another, and this arose with each time we've discussed this and [inaudible] –. Commissioner Kicklighter said, coming back to us, Harris [Odell].

Commissioner Rivers asked, you got any objection against the liquor store not being there. Mr. Blackburn said, Fred [Thompson] thinks y'all are hard to hear, so I'm going –, I'll get up to the microphone. Commissioner Odell said, Jay [Blackburn], I think we need and I want to hear –. Chairman Pro Tem Murray said, that's why I think it needs to go back and have a formal writeup coming –. Commissioner Odell said, I'm tired of looking at you. [Inaudible] so that I don't have to look at Jay [Blackburn] anymore. Mr. Blackburn said, there are probably a lot of other people that feel that way too. Commissioner Odell said, he's the one who said it initially. Mr. Blackburn said, and I would point out that we would have no problem coming back to this Commission with a site plan. Commissioner Odell said, okay. And a liquor store

would be excluded, and I can see where that would make a difference. Chairman Pro Tem Murray said, I don't think you can do that in this meeting. It has to go back with a formal writeup and come back to us with those restrictions in there. We can't --. Commissioner Kicklighter said, we can put it in the minutes that we said that though. Chairman Pro Tem Murray said, I've been there before. It ain't going to happen. Commissioner Odell said, hold up. Joe [Rivers] may have an option. Commissioner Rivers said, let's split the difference with the residents and they said no liquor store, no restaurant. We'll split the difference, send it back to MPC and let them bring it back to us and --. Commissioner Odell said, with a recommendation --. Commissioner Rivers said, with a recommendation. [Unintelligible comments were made when several Commissioners began speaking at the same time.]

Chairman Pro Tem Murray said, all right, hold on a minute. County Attorney Hart said, one clarification. What I'm hearing, and I'm certainly not trying to tell this Commission what they need to do --. Chairman Pro Tem Murray said, thank you. County Attorney Hart said, but what I'm --, I'm hearing that somebody wants to give somebody some type of relief or at least get this thing in a position where a decision can be made, and nobody's happy with the current status quo. I throw this out only as a suggestion. Consider sending it back to the MPC with a finding of unusual and extraordinary conditions under 4-5-51 and have them come back with a recommendation within that zoning classification, Planned Business Neighborhood, outlining what they believe are the extraordinary unusual circumstance that need to be considered as part of the site plan so that you could have some zoning classification with a transitional element in it, allow these people to be in the process, allow the neighborhood to comment on it, and try to come back with something so that you give the zoning classification that the petitioner has requested, but at the same time maintain some type of control over it through the site plan authority, and all you need to do is make a finding that there are unusual and extraordinary conditions involving the zoning classification of this property, remand that to the MPC with direction to bring it back to you in two week or four weeks and at that time act on it and pass the zoning classification with restrictions on it that are needed, and that's just a suggestion.

Commissioner Odell said, I'll withdraw my motion if --. Commissioner Rivers asked, could you tag that on as an amendment? Commissioner Rayno said, you can't make that an amendment. It's a different classification. Chairman Pro Tem Murray said, I think we should go ahead and do that. Commissioner Kicklighter said, that would work, just four weeks, bring it back and we can do it in four weeks and then --. Commissioner Rivers said, so moved. So moved, Mr. Chair. Chairman Pro Tem Murray asked, you're making a motion to --, the County Attorney's recommendation. Commissioner Rivers said, I'll make a motion to go with the recommendation. Chairman Pro Tem Murray asked, do we have a second? Commissioners Rayno and Odell said, second. Chairman Pro Tem Murray asked, any other discussion? Commissioner Odell said, let's hear from Marianne [Heimes]. The Clerk said, I'm sorry. Who seconded it? Commissioner Rayno said, I did. Commissioner Odell said, Rayno and Odell. One good Commissioner together.

Ms. Marianne Heimes said, my name is Marianne Heimes. Chairman Pro Tem Murray said, go ahead, Ms. Heimes. Ms. Heimes said, and I have sat through all these meetings and it's been almost to the painful point. There are things to be said on both sides, but I think the picture that you're seeing needs to be expanded. I --, as I drove down Highway 80 this morning to come downtown --, I live on Highway 80, I live in The Marshes --, I looked over there. Now you must realize that from the Huddle House all the way to Thunderbolt there is not another commercial structure. It's all across the street in that one little strip shopping center, and when we say across the street, we're talking about across an access road and I don't know how many lanes there are now on 80, 55 or something like that, so, you know, you cannot see quite that plainly across the street. I think hopefully the County will buffer, but I don't know that they will, along that access road. I think we have to be careful of calling this a transitional thing for one thing because if you transition, you're transitioning into something else, which means it can go on down the road, and I think, you know, that there should be a solution. This has gone on much too long, but I think nobody wants to bend. I think I would add in the mix of what these residents do not want is a convenience store because those, I believe, can be very detrimental to a residential community. Commissioner Kicklighter said, I agree. Ms. Heimes said, and I believe that the residents were willing to find --, try to find something that they could be happy with, and it's a sticky question, but I think you have to be very careful and realize that what you've seen portrayed here is all big commercials where in fact if you were to drive out there, you would see that all the way the other direction is all residential. And I hope you will consider that also. Chairman Pro Tem Murray said, thank you.

Commissioner Odell said, I had coffee at that Huddle House, Marianne [Heimes].

Chairman Pro Tem Murray said, we do have a motion and a second. Did you want to --. Commissioner Kicklighter said, yes. I just wanted to let the attorney know that if he can throw in stipulations, the owner just agreed that he would add no convenience store, as well as no liquor store to go into this. Chairman Pro Tem Murray said, well, that will be in the negotiations and [inaudible] when it comes to us. Commissioner Kicklighter said, well, that's good. Chairman Pro Tem Murray asked, any other discussion? If not, let's vote. The motion carried unanimously. [NOTE: chairman Hair was not present; District Three was not represented.] Chairman Pro Tem Murray said, okay, so it goes back to the MPC then. Now, so that will eliminate these two. County Attorney Hart said, yes, for this time. They'll have to --. Chairman Pro Tem Murray said, okay. County Attorney Hart said, be brought back. Commissioner Kicklighter asked, in four weeks was in that --, in your thing, within in four weeks, right? Commissioner Odell said, yes.

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County Attorney Hart said, Madam Chairman, there was a zoning matter that involved the MPC and --, referring something back to the MPC. I met with the petitioner and the MPC staff and they --, the petitioners and the MPC staff

have requested an additional amount of time for reconsideration to get the plan back here and to have it reconsidered on the April 12th meeting, so I would like the consent of this body to place that back on the agenda for April 12th. That should give a sufficient amount of time for the petitioner to come with a site plan and allow two weeks for the MPC to review that site plan, and the way their meeting falls, that's the earliest –.

Commissioner Kicklighter said, we need your votes on this. Both of y'all, we need your votes on this. Vice Chairman Thomas said, we have to have a quorum. Commissioner Rivers said, not necessarily. Majority rules on everything to discuss the budget or anything like that you can go ahead. Yes, sir. Yes, sir. Robert's Rules of Order, you don't need no quorum.

County Attorney Hart said, all I want to do is move the date on that zoning petition to April 12th by consent of all the parties. That gives them time to get the plan into the MPC and the MPC come up with a review schedule and get it back here.

Commissioner Odell asked, do we need to vote on that or can we do it by consensus? County Attorney Hart said, you can do it by consensus is fine with me. I just –. Vice Chairman Thomas asked, is that in agreement with everyone? Okay.

ACTION OF THE BOARD:

1. Commissioner Rayno made a motion to untable these items and place them before the Commissioners for consideration. Commissioner Odell seconded the motion. Chairman Pro Tem Murray and Commissioners Rayno, Rivers and Odell voted in favor of the motion. Commissioner Gellatly voted in opposition. The motion carried by a vote of four to one. [NOTE: Chairman Hair and Commissioners Kicklighter and Thomas were not present; District Three was not represented.]
2. Commissioner Rivers moved to remand this matter back to the MPC to make a finding of unusual and extraordinary conditions under 4-5-51 and then come back to the County Commissioners in four weeks with a recommendation in the zoning classification, P-B-N (Planned Business Neighborhood), outlining what they believe are the extraordinary and unusual circumstances that need to be considered as part of the site plan, allowing the petitioner to be involved in it, and allowing people in the neighborhood to comment on it, and try to come back with something to give the zoning classification that the petitioner has requested, the Commissioners maintaining control over it through the site plan. Commissioners Rayno and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

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3. CNT FUNDING. NOTE: Tabled at the meeting of February 22, 2002.

ACTION OF THE BOARD:

This item was not placed before the Commissioners for consideration.

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IX. ITEMS FOR INDIVIDUAL ACTION

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

1. **REQUEST BOARD APPROVE THE FOLLOWING: TRANSFER OF \$92,000 FROM THE CIP M&O CONTINGENCY TO THE AQUATIC CENTER; AND A TRANSFER OF \$5,000 FROM THE SPLOST (1993-1998) VARIOUS COUNTY ROADS TO THE BAMBOO FARM AND COASTAL GARDENS CENTER PAVING.**

Commissioner Rayno asked, may we split these into two items for a vote please? Chairman Pro Tem Murray said, that's fine. We can split it. You want to –, would somebody like to make a motion on the first one, the transfer of the \$92,000 from CIP M&O Contingency? Commissioner Rayno said, I make a motion. Chairman Pro Tem Murray said, Contingency for the Aquatic Center. Commissioner Rayno said, motion to approve. Chairman Pro Tem Murray asked, do we have a second? Commissioner Odell said, second. Chairman Pro Tem Murray asked, any discussion? Let's vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present; District Three was not represented.]

Chairman Pro Tem Murray said, the second part of that would be a transfer of \$5,000 from SPLOST, 1993-1998, Various County Roads, to the Bamboo Farm and Coastal Garden Center Paving. Commissioner Rivers said, so moved approval. Commissioner Odell said, second. Chairman Pro Tem Murray said, we have a motion and second. Do we have discussion?

Commissioner Rayno said, I'm against doing this because we have roads in Chatham County that are not paved yet and we're paving government facility roads instead of -, or citizens roads first, which is wrong.

Chairman Pro Tem Murray asked, any other discussion? All in favor of the motion -, let's vote. Commissioners Rivers, Odell, Gellatly and Thomas voted in favor of the motion. Chairman Pro Tem Murray and Commissioner Rayno voted in opposition. The motion carried by a vote of four to two. [NOTE: Chairman Hair and Commissioner Kicklighter were not present; District Three was not represented.] Chairman Pro Tem Murray said, okay, the motion's approved.

ACTION OF THE BOARD:

1. Commissioner Rayno moved to approve the transfer of \$92,000 from the CIP M&O Contingency to the Aquatic Center. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present; District Three was not represented.]
2. Commissioner Rivers moved to approve the transfer of \$5,000 from the SPLOST (1993-1998) Various County Roads to the Bamboo Farm and Coastal Gardens Center Paving. Commissioner Odell seconded the motion. Commissioners Rivers, Odell, Gellatly and Thomas voted in favor of the motion. Chairman Pro Tem Murray and Commissioner Rayno voted in opposition. The motion carried by a vote of four to two. [NOTE: Chairman Hair and Commissioner Kicklighter were not present; District Three was not represented.]

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2. **MICHAEL COHEN REGARDING FEES COLLECTED BY TEAM SAVANNAH. SEE ATTACHED MEMO REQUESTING DELAY UNTIL MARCH 22ND MEETING.**

ACTION OF THE BOARD:

This item was pulled from consideration by the Board of Commissioners.

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3. **EVONNE MARTIN REGARDING TERMINATION OF CONTRACT FOR SECURITY SERVICES AT BULL STREET LIBRARY.**

ACTION OF THE BOARD:

This item was pulled from consideration by the Board of Commissioners.

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4. **DAVID PUCKETT REGARDING RECONSIDERATION OF LOCATION FOR AMPUTEE MARATHON.**

Chairman Pro Tem Murray said, yes, sir. Okay, if you would come forward and state your name please.

Mr. David Puckett said, good morning. Good afternoon, I guess, by this time. My name's David Puckett. I'm a certified prosthetist/orthotist for artificial limbs and orthopedic braces and I'm pleased to kind of diverse from the previous discussion into something that's very positive for the City of Savannah. Actually, it's unprecedented for the City of Savannah and the local area. We are proposing hosting the first Amputee Marathon in Savannah. Actually, I brought a couple of legs for show and tell like we used to have in elementary school. And I'd like to read you a couple of statistics if I might. This won't take very long. Diabetes, being a serious disease that we're all familiar with, leading to blindness, stroke, kidney failure, heart disease and amputations, unfortunately we deal with the folks that have necessitated amputations. Diabetes is the second largest cause of death among children. We're not seeing that so much in Savannah, but we are seeing the impact on the older population in Savannah. One out of 16 Americans has diabetes; 16 million Americans have diabetes. One-third of those do not know about it. 16,000 children and adults have diabetes just in Chatham County, and I meet often with the local chapter of the ADA and a lot of folks from the -, other

diabetic associations here in Savannah, and we would venture to guess that that number is very skewed, actually very low. African-Americans are 1.7 times more likely to have diabetes than non-Hispanic whites. So we're seeing that the diabetes is in epidemic proportions here in the United States and also in the Savannah area. According to the *Journal of American Podiatric Medical Association*, the JAPMA, they've found that three –, the three-year survival rate for people with diabetes who have undergone a below the knee or above the knee amputation is about 50%, and over 1.5 million Americans today have undergone amputation. What we consider an amputation, if you will, is from the mid-foot higher. We deal with hundreds of toe amputees or [inaudible] amputees every year. What I'm proposing and what we're talking about here in Savannah is raising awareness for amputee activity. The vast majority of amputees that we deal with have the opportunity of becoming a little bit more active than they currently are. We are in the midst of the Paralympics Games right now. I don't know how many have gotten the opportunity to watch it, but even tomorrow you'll be watching some amputee skiers and a couple of them are friends of mine and it's a joy and exciting to watch amputees in action. We have an opportunity to watch the Paralympics Games every four years and I think since it's inception it's been exciting. I've been practicing in orthotics and prosthetics for the last 16 years and eight of those years have been here in Savannah, and I personally have treated over a thousand amputees. That would be from mid-foot higher. Our statistics show that there are over two to three thousand amputees within a 50-mile radius of Savannah. While that seems like a small population –, a small percentage of the population, 1 to 2% depending upon which area you're talking about, that still relates to many, many affected Savannahians and local folks. What we wish to do with the Amputee Paralympics –, Amputee Marathon, if you will, is by proposing the Amputee Marathon that we have called the "Walk, Roll, Run 2K Marathon." What we'd like to propose by doing this at Lake Mayer specifically because of the centrality –, central locations because of the ease on the bus locations because it's safe and because it's a very pleasant environment. We would like to do two things with this Amputee Marathon. One is raise the awareness that amputees can be active. Many of our amputees unfortunately die each year because they're not becoming active enough. We are not proposing that a 70-year-old, below-the-knee amputee or above-the-knee amputee or double amputee that's on kidney dialysis needs to be out running, but we have participated with Team Savannah and with Mike Cohen with some training with some of our amputees in the past, and we have seen that amputees can become more active than what they're currently becoming. Unfortunately, early mortality is affected by lack of activity, and what we want to do in Savannah is not only raise the awareness and say, hey, you can become active as a diabetic, as an amputee, but that you can become very active if you have not got physical restrictions. So we're really excited about this. We've sent a proposal. We spoke with Mr. Patrick Monahan, who was very pleasant and gave us some information a while back about what we would need to do in order to present this before Savannah. Before I read the proposal, I'd like to read you two short quotes. Whether you want to be a serious athlete, a weekend warrior like me or just one who strives for goals within yourself, you'll never regret becoming active again. The Orthotic and Prosthetic Professions continually develop and improve the devices we use to participate in sports activities. This was written by Kirk Fowler –, this was spoken by Kirk Fowler, the National Executive Director of Amputees Active in the National Handicap Sports. Florence Griffith-Joyner said, Dear Friends in Fitness, the President's Council on Physical Fitness and Sports commends National Handicap Sports and the Orthotic and Prosthetic Profession and their national office for their nationwide efforts to promote an active and fit lifestyle for individuals with disabilities. The Orthotic and Prosthetic Professionals helped thousands of people regain function and reap the benefits of a more active lifestyle. Florence Griffith-Joyner said that. What we are –.

Chairman Pro Tem Murray said, Mr. Puckett, I hate to interrupt you, but –. Mr. Puckett said, yes, sir. Chairman Pro Tem Murray said, but the writeup on here is reconsideration of location of the marathon. Now if you could tell us why it was denied and see if there is something that we can do to help you out with that, I'd –, if you could get to that part of it.

Mr. Puckett said, apparently, I don't know if I had presented it incorrectly with the letter that we had sent here or if it was misunderstood. We had discussed with several folks in the City about what would be the best location, what would be the safest location, what would be the most central location to bring 50 to 100 below-the-knee, above-the-knee and double amputees to walk, whether around a lake or walk through an area of the City, where it would be safe and where it would provide the best environment, we had decided that the Lake Mayer recreation area was the best idea and the safest and it was the most positive area in order to have this. We are talking about 2K, which is two kilometers, about 1.3 miles. I know Lake Mayer is a little bit larger than that, about 1.4 miles, but originally we had discussed and requested exclusivity of the track for two to two and a half hours. There's at any given point of time on a Saturday morning when I'm there or a Sunday morning, there could be anywhere between 50 and 150 people on the track at that time, at one time. Sometimes a little bit more, sometimes a little bit less. What we are requesting for the safety of amputees walking and using wheelchairs, amputees using walkers, canes, crutches, or just free walking or running, is exclusivity of the Lake Mayer track for a period of two hours from 9:00 to 11:00 on the date June 8th. That's a Saturday, and we're excited because we've got two Paralympian Athletes coming, Tom Martin and Al Meade, who have agreed to be some special guests and speakers, and so we plan –.

Commissioner Odell asked, was that request –, excuse me. Was that request rejected? Is that why you're –. Mr. Puckett said, no, the request wasn't rejected. It was –.

Chairman Pro Tem Murray recognized County Manager Abolt.

County Manager Abolt said, let me help you out. I think he's –, maybe do this very quickly for everybody's benefit. The request came in. We gave two alternatives, three alternatives beyond –. We had Lake Mayer, which we discouraged because of the very reason the gentleman testified to. We've offered up Wright Stadium, which as you know is

Savannah State, is Olympic-quality track there, and then Triplett Park. The latter two have not been at the level of exposure or accessibility that this gentleman has testified to. We understand that. We could not on our own though reverse it. We're coming to you now. Mr. Monahan and Mr. Lipsey have an alternative that in effect is consistent with this recommendation. You could adopt the staff's report and, in effect, allow it to occur the two to two and a half hours as long as we have sufficient notification, which you've given us now, of the event and we can notify others who might use the track that during that period they would not be allowed to do it.

Commissioner Kicklighter said, I make a motion to approve his request. Commissioner Rayno said, second. Chairman Pro Tem Murray said, we have a motion and second. Any other discussion? Commissioner Rayno said, let's go. The motion carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

Mr. Puckett said, thank you very much. We invite you to come. We'll send you invitations. We're going to have some local dignitaries coming and donning prosthesis and walking around the lake, just as if they were an amputee, so we'd like you all to come. Thank you.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the request for the Amputee Marathon to use the asphalt trail around Lake Mayer on June 8, 2002, from 9:00 to 11:00 a.m., and the asphalt trail would be closed to any bicyclers or roller bladers unless involved in the Amputee Marathon. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: 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 Pro Tem Murray said, you'll start with the -. Commissioner Odell said, Action Calendar. Vice Chairman Thomas asked, Action Calendar? Chairman Pro Tem Murray said, yes.

County Manager Abolt said, going to the Action Calendar now, Dr. Thomas and gentlemen, the one item that we would ask you to pull, there were some late developments on this, Item F on the purchasing report. We have to refine that lease agreement. We'll come back to you, so as you make your motion, please do it with the understanding that F would not be on the calendar.

Vice Chairman Thomas said, F. Okay, we're pulling F. Any other -? Commissioner Odell said, N. Commissioner Murray said, 7, B, C, N and O. Commissioner Rayno said, all right. Any others? Commissioner Rayno asked, did you read my notes? Commissioner Murray said, yes, it's right here. Commissioner Rayno said, okay, good. Vice Chairman Thomas asked, any other numbers that we would like to pull at this time? Commissioner Kicklighter said, A. No, I'm just kidding. Commissioner Rivers said, I move that we approve the rest of the Action Calendar. Vice Chairman Thomas asked, do we have a second? Commissioner Kicklighter said, second, second. The motion carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.] Vice Chairman Thomas said, okay, thank you.

ACTION OF THE BOARD:

Commissioner Rivers moved that the Action Calendar be approved in its entirety with the exception of Items 7, 9-B, 9-C, 9-F, 9-N and 9-O. Commissioner Kicklighter seconded the motion and it carried unanimously. [Chairman Hair 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 FOR THE REGULAR MEETING ON FEBRUARY 22, 2002, AS MAILED.

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the minutes of the regular meeting on February 22, 2002, as mailed. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD FEBRUARY 14 , 2002, THROUGH FEBRUARY 27, 2002.

ACTION OF THE BOARD:

Commissioner Rivers moved that the Finance Director is authorized to pay claims against the County for the period February 14, 2002, through February 27, 2002, in the amount of \$2,563,406. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

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**3. REQUEST FROM HUSSEY, GAY, BELL & DEYOUNG, ENGINEER FOR THE DEVELOPER, TO RECORD THE SUBDIVISION PLAT FOR LEGACY SQUARE PHASE 1B AND TO CREATE A NEW STREETLIGHTING ASSESSMENT DISTRICT.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the request from Hussey, Gay, Bell & DeYoung, engineer for the developer, to record the subdivision plat for Legacy Square, Phase 1B, and to create a new Streetlighting Assessment District. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

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**4. REQUEST BOARD APPROVE AN AMENDMENT TO THE 1995 UTILITY RELOCATION AGREEMENT WITH THE CITY OF SAVANNAH FOR THE WHEATON STREET WIDENING PROJECT.
[DISTRICT 2.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve an amendment to the 1995 Utility Relocation Agreement with the City of Savannah for the Wheaton Street Widening Project. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

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**5. REQUEST BOARD APPROVE AN AMENDMENT TO THE 1997 UTILITIES RELOCATION AGREEMENT WITH THE CITY OF SAVANNAH FOR THE SKIDAWAY ROAD AND GWINNETT STREET WIDENING INTERSECTION IMPROVEMENTS.
[DISTRICT 2.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve an amendment to the 1997 Utilities Relocation Agreement with the City of Savannah for the Skidaway Road and Gwinnett Street Widening Intersection Improvements. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

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6. REQUEST BOARD APPROVAL OF PLAN TO FUND THE EXISTING SAGIS POSITION FROM WITHIN USER DEPARTMENTS.

ACTION OF THE BOARD:

Commissioner Rivers moved to approve a plan to fund the existing SAGIS position from within user departments. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

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7. REQUEST BOARD APPROVAL TO WAIVE FEE FOR GDOT TO USE THE TYBEE PIER AND PAVILION DURING ITS SPONSORSHIP OF TWO CONFERENCES IN JUNE.

Vice Chairman Thomas recognized Commissioner Rayno.

Commissioner Rayno said, this goes back to what we were talking about this morning. We have these facilities and we kind of give them away and then we've got all --, we have no money for these facilities. I know GDOT does a lot of great things for this area in terms of road projects, but I think they should pay.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, you know, we've been through this in the past about who should pay and who shouldn't pay, and my feeling is whether it's a government agency or whether it's the private citizen, if a private citizen has to pay to utilize these facilities, then certainly the government agencies should have to pay for it, and I think we need to just redo that whole process we go through where everybody pays across the board and that's it. We don't allow any other agency, whether it's Tybee or any other municipalities, or any of them, it's all a pay as we go to recoup our costs on the facilities.

Commissioner Rayno said, that was a motion by DeLoach many years ago, wasn't it? Commissioner Murray said, yes. Commissioner Rayno asked, so why are we not abiding by that? Commissioner Murray said, no, no, no. We didn't --, it was changed. It was altered and we would allow the different municipalities to come in and use it and, you know, if the citizens have to pay for it, then why should the government have a free ride on it? Commissioner Rayno said, well, I make a motion for all facilities in Chatham County if the citizens pay, governments pay. Commissioner Murray said, I'll second it.

Vice Chairman Thomas said, all in favor of said motion. Any opposes? The motion carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

Commissioner Odell said, just a point of clarification, is that a legal motion, because we're on number seven. Commissioner Murray said, that's right. Commissioner Odell said, so we have to answer number seven --. Commissioner Murray said, well, that just answered it. Commissioner Odell said, but my point is --. No, we've got to answer number seven. We've got to either approve it or disapprove number seven. Vice Chairman Thomas said, exactly.

Commissioner Murray said, well, I move that it be --, not be approved. Commissioner Rivers said, well, it doesn't matter because there was no motion on the floor. This motion here is [inaudible].

Vice Chairman Thomas said, now we can go back to it. Commissioner Kicklighter said, I've got a question then on this --. Can I ask a question. Vice Chairman Thomas said, one at a time please. Okay. Commissioner Kicklighter said, oh, I'm sorry. Commissioner Rivers are you finished, Commissioner Rivers? Commissioner Rayno?

Commissioner Rivers said, we just did it, reversing it. Vice Chairman Thomas said, right. Okay, now --. Commissioner Rivers said, this becomes settled because it's a moot issue. Vice Chairman Thomas said, okay.

Commissioner Kicklighter said, I've got a question. Vice Chairman Thomas asked, you have a question? Commissioner Kicklighter said, yes, ma'am. I think ideally that sounds good and it's a good vote and we need to pay for things, but just good round numbers, Russ [Abolt], how much money does the State DOT give Chatham County per year for roads? County Manager Abolt said, in round numbers, a billion. The amount --, the amount, and I would speak on this issue and this issue alone, then given an opportunity to speak on the other, there is no --, there is no doubt that we're in a very enviable partnership with the Department of Transportation to the benefit of Chatham County taxpayers. Commissioner Kicklighter asked, how much money is the Georgia DOT about to give us for Triplett Park, Russ [Abolt]? Is it \$400,000? Commissioner Murray said, well, I thought we were going to sell that. Commissioner Kicklighter said, well, that's what you recommend. County Manager Abolt said, first phase. Yes, sir. Commissioner Murray said, the developers would love to have it. Commissioner Rivers said, not in my yard.

Vice Chairman Thomas said, okay, Mr. Manager.

County Manager Abolt said, I wanted to speak to the motion which I believe is on the floor regarding charging for everything. I don't disagree with that. But like Attorney Hart said, we've been at this less than three if not four times because, in effect, the principle it's easy to express, but then we've seen it when the staff has said thou shalt do it this way, we do it this way, and then you get a request from a city to use the band shell or you get a request from

whomever, Heart Association, and then you come to staff and you say, well, why didn't you do this, and then say --, so give us, you know, then you ask us to give you, which we've done now on more than one occasion, an opportunity for discretion to be used. Right now the motion allows no discretion, and we will do it, but again it is not to say that we'll be successful in doing it because when you look at the number of requests that have come in, they're going to be before you and then you will have to decide the Heart Association, this city, that city, should we charge.

Commissioner Rayno said, we won't decide anymore. Commissioner Kicklighter said, the amputees.

Vice Chairman Thomas said, Commissioner Rivers, Commissioner Murray and then Commissioner Kicklighter.

Commissioner Rivers said, they want it just like it is now with a right to waiver because that's the discussion up here. They want the policy just like it is, and I don't we're changing because we'll come right back two, four weeks later with the same nonsense.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, you brought up the band shell. How many times has the band shell been damaged and who paid to have it repaired? County Manager Abolt said, we've paid for it and you just --. Commissioner Murray said, that's what I thought. Commissioner Murray asked, who pays to have any damage on any of these facilities taken care of when something happens? County Manager Abolt said, we do. Commissioner Murray said, we do. County Manager Abolt said, and I would speak to --, if you'd give me an opportunity, I'd appreciate --. Commissioner Murray said, regardless of who damages it, right? County Manager Abolt said, as you know, Mr. Lipsey in his acting capacity has been looking at a lot of priority things, but as you know we have such a demand on our maintenance staff right now. Unfortunately they're being bled off to just set up band shells all over the --. Commissioner Murray said, well, that's what I'm saying. It's costing us an awful lot of money and we --, when we went through this process once before, the whole intent was to charge whatever our cost was and then we got totally away from that, and now the majority of the use is not being paid for to begin with and in a lot of cases when it's not being paid for, it's being used as a fund raiser. I just think it's time that we recoup our cost on whatever facilities we have.

Vice Chairman Thomas asked, Commissioner Murray, are you finished? Commissioner Murray said, yes, I'm done. Vice Chairman Thomas asked, Commissioner Kicklighter, did you have something? Commissioner Kicklighter said, no, ma'am. Vice Chairman Thomas said, let me ask a question, and if I'm wrong, please correct me. When we discussed this before some time before, I thought it was an agreement that the government entities for the trade-off wherein there are times when the County would need such favors or whatever, that we would have a waiver as well. Did we not --, did this --? County Manager Abolt said, you have a policy in place --. Vice Chairman Thomas asked, do we have a policy in place? County Manager Abolt said, you have a policy in place which you have adopted, because again in a situation very similar to this it was --, your policy was then, no, everybody pays and you had asked for it because some mayors came forward and said --. Vice Chairman Thomas said, yes. County Manager Abolt said, so we now have --, a lot of staff time was spent in developing a hold harmless provision where the municipality must accept the responsibility, sign off on it and all that. It's become, you know, a tad complex, but we've done it because you want us to do it. Now I understand the motion, you could pass this --. Commissioner Murray said, it's already passed. It passed unanimous. County Manager Abolt said, okay, we don't do it anymore. Commissioner Murray said, so I think what we're talking about is a moot point.

Vice Chairman Thomas said, okay. So that's it. Commissioner Rivers said, so that makes this [inaudible] a moot issue. Commissioner Murray said, yes. Vice Chairman Thomas said, exactly.

ACTION OF THE BOARD:

Commissioner Rayno moved that for all facilities in Chatham County if the citizens pay, then the governments pay, thereby **denying** the request to waive the fee for the Georgia Department of Transportation (GDOT) to use the Tybee Pier and Pavilion during its sponsorship of two conferences in June. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

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8. REQUEST BOARD CONFIRMATION OF 16-DAY LEASE OF COUNTY-OWNED PROPERTY ON HUTCHINSON ISLAND TO CINGULAR FOR PURPOSES OF A BROADCAST TOWER FOR ST. PATRICK'S DAY EVENTS.

ACTION OF THE BOARD:

Commissioner Rivers moved to confirm the 16-day lease of County-owned property on Hutchinson Island to Cingular for purposes of a broadcast tower for St. Patrick's Day events. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

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9. 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. Confirmation emergency purchase of one used Model Year 1999 Mercury Mountaineer	Sheriff	Fairway Lincoln Mercury	\$18,500	General Fund/M&O - Sheriff
B. Confirmation emergency installation of new plumbing system in the DMV facility	DMV Project Manager	Consolidated Plumbing	\$30,957	General Fund - DMV Receivables (to be reimbursed by the State)
C. Confirmation emergency installation of the electrical portion in the DMV facility	DMV Project Manager	White Electrical Construction	\$63,480	General Fund - DMV Receivables (to be reimbursed by the State)
D. Confirmation emergency installation of a new roofing system for the Midtown Health Clinic	Health Department	The House Doctor	\$57,735.50	CIP - Health Department
E. Contract for the upgrade of the fire alarm system for the Gateway Bloomingdale Adolescent Residential Center	Health Department	Southeastern System Technology, Inc.	\$16,780	CIP - Health Department
F. One-year lease renewal for office space for Internal Affairs	Police	Mahia K. Wilson (Lease Agreement)	\$13,200	SSD - Police
G. Annual contract with automatic renewal options for two additional one year terms to provide copy and continuous form paper	Various	Paper Chemical Supply Company	Varies by item	•SSD - Various •General Fund/M&O - Various
H. Contract for the upgrade of the fire alarm system for the Judicial Court-house	Building Maintenance and Operations	Southeastern System Technology, Inc.	\$234,530	Bond Funding - HVAC replacement, Courthouse Improvements and Adaptive reuse of Old Jail
I. Amendment No. 1 to the contract for the purchase of the sand silo mixing equipment for required changes	Mosquito Control	Mixer Systems, Inc.	\$11,615	Receivables - Mosquito Control facility (to be reimbursed by Savannah Airport Commission)
J. Change Order No. 1 to the contract for the design of the new Mosquito Control facility for added design fees	Mosquito Control	Gunn, Meyerhoff, Shay Architects	\$56,404	Receivables - Mosquito Control facility (to be reimbursed by Savannah Airport Commission)
K. Change Order No. 1 to the contract for the construction of the new Mosquito Control facility for various requirements	Mosquito Control	R.L. Construction (WBE)	\$5,859	Receivables - Mosquito Control facility (to be reimbursed by Savannah Airport Commission)
L. Installation of the sand silo complex for the new Mosquito Control facility	Mosquito Control	T&W 3 Phase Electric, Inc.	\$30,279	Receivables - Mosquito Control facility (to be reimbursed by Savannah Airport Commission)
M. Contract for the data/communication wiring for the new Mosquito Control facility	Mosquito Control	Computer Network Engineering, Inc.	\$19,940	Receivables - Mosquito Control facility (to be reimbursed by Savannah Airport Commission)
N. Contract to construct the Stephenson Avenue Widening Project	SPLOST	APAC-GA, Inc.	\$4,670,657.15	SPLOST (1985-1993) - Stephenson Avenue Widening project

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
O. Change Order No. 1 to the contract for the paving and drainage of the Bamboo Farm and Coastal Gardens Center for additional work required	SPLOST	A. D. Williams Construction Company, Inc.	\$20,548.92	SPLOST (1993-1998) - Various County roads and Bamboo Farm and Coastal Gardens Center paving (pending Board approval of transfer)
P. Three tape drives and related components	ICS	Network Technology Resources	\$43,509.88	CIP - NetPlan 2000

As to Items 9-A through 9-P, except Items 9-B, 9-C, 9-F, 9-N and 9-O:

Commissioner Rivers moved to approve Items 9-A through 9-P, except Items 9-B, 9-C, 9-F, 9-N and 9-O. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

As to Item 9-B and 9-C:

- B. CONFIRMATION OF EMERGENCY INSTALLATION OF NEW PLUMBING SYSTEM IN THE DMV FACILITY; DMV PROJECT MANAGER; CONSOLIDATED PLUMBING; \$30,957; GENERAL FUND - DMV RECEIVABLES (TO BE REIMBURSED BY THE STATE).
- C. CONFIRMATION OF EMERGENCY INSTALLATION OF THE ELECTRICAL PORTION IN THE DMV FACILITY; DMV PROJECT MANAGER; WHITE ELECTRICAL CONSTRUCTION; \$63,480; GENERAL FUND - DMV RECEIVABLES (TO BE REIMBURSED BY THE STATE).

Commissioner Murray said, I just have a real problem since we have stopped work. As far as I know, right now the State is only committed to \$50,000 on the \$500,000 project. Why, if we've stopped work on it, do we need to approve another right at hundred thousand dollars to move forward? I'm not in favor of it.

County Manager Abolt said, if I may explain --, explain the logic, if there is logic in this. This entire venture was based on words given. The word given by the State and then obviously the word given by the County. It appear based on what we understand what is not happening in Atlanta, the State may not be living up to their word. The reason this remains on the agenda is I did not want to put you in the position of backing off your word; in this case, the word of the County to get the project done and local contracts. We now have a liability of approximately \$200,000. Staff, with the understanding that we were on a fast track to get this done and have it open by mid-Spring said we're going to go out and do this, we'll put it on a fast track, the Board only meets twice a month so we will exercise what we can exercise, emergency prerogative. We gave on behalf of the County our word to certain contractors that we would buy things because of the word given by the State. The only reason I speak as I do, I do not want to put the County possibly in the same position of the State of Georgia in breaking the word to local contractors.

Commissioner Murray said, let me finish on this a little bit. I understand where you're coming from with that, but I also heard on the news last night when I was watching that the State also said that if we didn't complete this project, they would move all their stuff out and move it into either Effingham or wherever they'd rather facilities built. As far as I'm concerned, that is fine. If they're not going to reimburse us like they said they were going to reimburse us, then move the whole facility out of Chatham County. We don't have the kind of money to be sitting there paying for State projects, and I'm not in favor of doing that. If you recall, what, four meetings ago when this come up on how we were going to fund it, my question then was if they back out of it and we don't get reimbursed, what is going to happen. I was told then that's not a possibility, we're going to get our money. Now we don't have it. We've got \$50,000 of \$500,000. So we haven't gotten our money and we're not going to get out money, and I'm in --, I'm opposed to it.

Commissioner Rayno said, I think it's inexcusable the fact that we went into an agreement with the State without any kind of contract whatsoever in this day and age of litigation. It's an egregious error. It's inexcusable. The taxpayers should be irate about it, and I would make a motion that in the future we always go into contract with any governmental agencies concerning any expenditures.

Commissioner Rivers said, Madam Chair, we have a problem at hand. Now we can go back and inform the State that if they don't reimburse us, as Frank [Murray] said, then we negate this whole project, but at least --. Vice Chairman Thomas said, exactly, give them the courtesy.

Commissioner Murray said, well, on this --, Russ [Abolt], on this --, these two items, B and C, you've got \$30,957 and \$63,480. Is that to complete the job with the parts or is this just the material that the contractors have purchased? County Manager Abolt said, I'll defer to Mr. Monahan. An analysis --. Commissioner Murray said, I don't have a problem reimbursing those contractors if we told them to go out and purchase the product --. County Manager Abolt said, I'll refer to Mr. Monahan. In the analysis that we gave you --. Commissioner Murray said, but I don't want to go any further with

it. County Manager Abolt said, a few days ago, we felt –, we capped our loss at about \$200,000. County Manager Abolt recognized, Mr. Patrick Monahan.

Commissioner Rayno said, point of order, please. There was a motion on the floor. If there's no second, we can continue. Vice Chairman Thomas said, it's dead. Commissioner Murray said, what motion? Commissioner Rayno said, I made a motion that we do not go into any other contract with govern–, we have a contract with governmental agencies if we're going to make expenditures like this. Vice Chairman Thomas said, I didn't hear a second. I asked for a second. Commissioner Rayno said, oh, okay.

Commissioner Odell said, point of order. Can he make that motion when these two items are pending? Vice Chairman Thomas said, and you should wait to do that. County Attorney Hart said, you need to dispose of one item before moving on to the next. Vice Chairman Thomas said, one item at a time. Let's do that please and then come back. Commissioner Rayno said, all right. All right, I'll withdraw my motion. Vice Chairman Thomas said, you can redo it after –. Commissioner Rayno said, yes, ma'am.

Commissioner Murray asked, well, can I get my question answered? Mr. Monahan said, Commissioner Murray, as the Manager said, the County staff needed to fast track this in order to deliver by May 1st. Commissioner Murray said, I remember that. Mr. Monahan said, the County entered into those contracts in good faith with those –, with local contractors. The Commission needs to approve those contracts and then we'll prorate according to the work that'll be done. Even though the item's for a hundred thousand total, approximately a hundred thousand, not that much work has been completed, but we just need to get the approval and then we'll prorate that portion of which has already been completed. So we're not actually expending the hundred thousand. You're approve the contracts for a hundred thousand, but we will terminate those contracts and pay out the materials and manpower that have been completed to date. Commissioner Murray said, that's good.

Commissioner Kicklighter said, okay, so the total expense –, in other words, even if we approve this –. Mr. Monahan said, you approve the contracts for a hundred thousand, but that's not the expense. Commissioner Kicklighter said, okay, our total loss, we stop now after this, approving this, is the \$200,000 –? Mr. Monahan said, it's somewhere between \$175,000 and \$200,000. We'll have to do the calculations. We still had to do some work in order to close up those particular issues.

County Attorney Hart said, and we need to get to a point where we're stopping at a good point to stop –. Commissioner Kicklighter said, we have to pay our bills now of what we've got in –. County Attorney Hart said, you know, and I mean we want to finish something so that if we go back in there with an alternative use, you know, we don't lose more money.

Commissioner Murray said, well, based on that I'll make a motion to approve B and C based on what Pat Monahan –. Commissioner Rayno said, second. Commissioner Murray said, just told us. Vice Chairman Thomas said, there's a second. All in favor of the –. Commissioner Kicklighter said, discussion. Vice Chairman Thomas asked, is there any discussion? Commissioner Kicklighter said, yes, ma'am. Vice Chairman Thomas said, okay.

Commissioner Kicklighter said, I just want to clarify a little bit for just the public and people out in the audience what happened in a sense and the reason to even soften what Commissioner Murray said, and I hope somebody will eventually soften what I've said because mine comes out like that sometimes or most of the time. But the State of Georgia promised us –. Commissioner Murray said, well, do me a favor. Don't soften it for me because I meant what I said. Commissioner Kicklighter said, that's right, that's right. Promised us \$500,000 and we decided to go ahead and build the facilities and we would be reimbursed that \$500,000. We committed to that with the understanding that they would reimburse us and now at last count the State of Georgia's down to saying they're going to give us \$50,000, and as everyone's well aware of now, we're not financially wealthy in Chatham County now to run out and spend a half a million dollars on something that we really didn't have to do, and at this point I know we're all really inconvenienced for the –, all of us not wanting to drive to Effingham, but at this time it's better to protect every dollar, every tax dollar of yours and stop this right now. So, with that, that's all I wanted to do.

Vice Chairman Thomas said, Commissioner Gellatly and then Commissioner Odell.

Commissioner Gellatly said, I just had maybe a question. We had an agreement with the State. In reality we had an agreement with a person who should be an authority in the State. Who is that person and who over their head made the decision that, no, we won't commit to that? Mr. Monahan said, I don't think I can answer that. The project predates me. County Manager Abolt said, I can answer. Yet, I'd feel much better were Chairman Hair here. Mr. Tim Burgess, who runs the Department of Motor Vehicles, was very insistent that there was a priority to get this done. As you recall, the Chairman responded just as Commissioner Kicklighter said. Not only did we up-front the money, you also have donated the space, space that had been set aside for other uses in a very desirable County facility, and it was all done for the very reasons that Commissioner Kicklighter mentioned, because there was clear and present danger that all of the folks in Chatham County might have to drive a great distance to get the same service they now receive at Chatham Parkway. The Chairman, along with many of y'all, attended a special inauguration ceremony, it wasn't a ground breaking, remember in the –, at the flag poles at the ANG, the Air National Guard site, at that time Mr. Burgess came forward and the Chairman much of what you all have said as far as the need. Mr. Burgess said that they work with us, that that would be their priority. You also had members of the local delegation, our local delegation, who were very

insistent on the need to have the facility in Chatham County and did pledge in our estimation a very ambitious lobbying effort to get the necessary funds. With all that, and with the obvious credibility of the personages I mentioned, we began down a track, a fast track, to deliver this to the citizens of Chatham County and Coastal Georgia and to DMV on their schedule with the commitment, a handshake sure, but the man –, the individual's word that we would have that money by April. Commissioner Gellatly said, my question still is, this Mr. Burgess –. County Manager Abolt said, that's correct. Commissioner Gellatly asked, did he have the authority to commit \$500,000 of State funds? I just need to know that yes or no. And if he did, I don't see how he can back off of it right at this point in time. County Manager Abolt said, I would prefer that the Chairman answer that question, sir. Commissioner Gellatly said, well, I'd like to have that question answered.

Commissioner Odell said, and probably another question that needs to be answered too is, you know, we have State representatives and two senators floating through here. My concern is that we're going to move DMV up to Effingham, we've got 13 people and a goat, and we've got all of the people –, I don't drive through Effingham. Commissioner Murray said, you'd better hope you don't ever go through there. Commissioner Odell said, I know. [Unintelligible comments when several individuals began speaking at the same time.] Commissioner Odell said, so but just logically, have we discussed this with our State representatives before we just back up and accept the fee. I mean, it's their job. The State was supposed to reimburse us. They're our State representatives. I mean, I'd like to have their input and comment on it before we just roll over and say we're going to be driving up to chicken-farm Effingham County. Commissioner Murray asked, you aren't bashing our legislators, are you? Commissioner Odell said, oh, no. Commissioner Murray said, it's an election year. Commissioner Odell said, I will bash them, but I haven't. I'm not opposed to it. Vice Chairman Thomas said, one at a time please.

Commissioner Rivers said, Odell, they've got 13 goats and one strong senator and one strong representative and they're both on probation, so –. Commissioner Kicklighter said, and I will, to avoid the letters to this Commission –. [Unintelligible comments when a number of Commissioners began speaking at the same time.] Commissioner Kicklighter said, Harris [Odell] you might [inaudible] the new Effingham County. It's nice with beautiful homes. Commissioner Odell said, I believe you. You're right.

Vice Chairman Thomas said, I call for the question. All in favor of the motion. Commissioner Odell asked, what's the motion? Commissioner Rayno said, the motion was to approve –. Commissioner Murray said, the motion is to approve B and C based on what Pat Monahan just told us before we got off on the sidetrack part. Commissioner Odell said, with the understanding that it will not exceed that amount? Commissioner Murray said, that's right and it will probably be less than that because they'll prorate it. The motion carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.] Commissioner Kicklighter said, well, we actually just approved B, didn't we? Commissioner Murray said, no, B and C. Vice Chairman Thomas said, no, B and C. Commissioner Kicklighter said, okay, we combined it. Okay. Vice Chairman Thomas said, combined both of them. Okay, the motion is carried.

Commissioner Rayno asked, Madam Chair, can we go back to my original –? Vice Chairman Thomas said, yes. Commissioner Rayno said, thank you so much. I make a motion that we have in hand an intergovernmental agreement before we commit expenditures towards any project. Commissioner Odell said, second.

Vice Chairman Thomas said, discussion. I think that's a very good motion. We should have done that in the past and we just keep getting ourselves deeper and deeper because of these kinds of situations, so I am totally in agreement with that motion. All in favor. The motion carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.] Vice Chairman Thomas said, thank you.

As to Item 9-F:

ONE-YEAR LEASE RENEWAL FOR OFFICE SPACE FOR INTERNAL AFFAIRS; POLICE; MAHIAK. WILSON (LEASE AGREEMENT); \$13,200; SSD - POLICE.

County Manager Abolt said, that's pulled. I'll come back later on. Vice Chairman Thomas said, that's right. County Manager Abolt said, it's not on your agenda.

As to Item 9-N:

CONTRACT TO CONSTRUCT THE STEPHENSON AVENUE WIDENING PROJECT; SPLOST; APAC-GA, INC.; \$4,670,657.15; SPLOST (1985-1993) - STEPHENSON AVENUE WIDENING PROJECT.

Commissioner Rivers said, on N, Madam Chair, I need to know what –, APAC-GA's receiving this contract. I want to know what the local subcontractors that are included in that package and I also wanted to know the minority participation.

County Manager Abolt said, we did have a report. I'll refer to Mr. Sweat in the absence of Mr. Bungard. There were certain expectations as far as minority contractor participation. Do you have it? Mr. Frank Sweat said, well, I think there were goals set in the contractors and I think there was about 14%, at least in the contractors, and he will exceed that. For the 14% minority and female participation.

Commissioner Rivers asked, how many local contractors do we have? Mr. Sweat said, on the local –, I'm sorry, sir, I don't have that contract with me in hand, but there are local subs that they typically have used that are here. Commissioner Rivers asked, can I hold that up? County Manager Abolt said, yes, sir. Hold it for later on and we can get it back before the end of your meeting.

Commissioner Odell said, yes, and we need to talk about minority, the female participation. I don't want some guy just bringing his wife in as the female participation and that makes 14% and then [inaudible] step back and say we got our fair share. That just doesn't wash with me, I don't know about with Joe [Rivers]. Mr. Sweat said, I can have that in a few minutes. County Manager Abolt said, if you'll delay us for a few moments then we'll go get that.

Commissioner Rivers said, and I want to know what the local participation is.

Commissioner Rayno asked, can I ask a question too, sir? What's the window of construction on this, beginning and ending? Mr. Sweat said, I think about 18 months. I'll have to look at that again also. Commissioner Rayno asked, start date is when, sir? Mr. Sweat said, we'll give them a notice to proceed as soon as they get all their bail bond and everything else in here and once they get that, then we'll give them a notice to proceed and begin work in 10 days time. They're supposed to begin work within 10 days. Commissioner Rayno asked, rough estimate? Mr. Sweat said, I'm sorry. Commissioner Rayno asked, rough estimate? A month until it starts? Mr. Sweat said, about a year and a half. I can get the contract and when I come back with their information I can bring it. County Manager Abolt said, the day we start, Frank [Sweat]. Mr. Sweat said, it will probably start about middle of next month. Commissioner Rayno said, middle of next month.

County Manager Abolt said, if you'll just delay this to the end of your agenda, we'll [inaudible]. Vice Chairman Thomas said, okay.

* * *

Mr. Sweat said, the contractor minority firms that were doing the work, one of them was Bly, Bly and Pittman, they were doing the concrete work –. Commissioner Rivers asked, who is this? Mr. Sweat said, Bly, Bly and Pittman. They're doing the concrete work, and –. Commissioner Rayno asked, who's Bly, Bly and Pittman? Mr. Sweat said, he's a minority firm that's out of Conyers, Georgia. Commissioner Rivers asked, out of Conyers, Georgia? Mr. Sweat said, yes, sir, and there's Kelly Dukes Trucking, a local firm that's here, that did some hauling work for them. Commissioner Rivers asked, who's this? Mr. Sweat said, Kelly Dukes Trucking. Kelly Dukes. Commissioner Rivers said, oh, Kelly Dukes. Mr. Sweat said, yes, sir. And Jenkins Equipment Company, which has done some hauling, a local firm. The total of the minorities is \$478,000 of the contract. Commissioner Rivers asked, what's the minority –, what's the full cost? Mr. Sweat said, I'm sorry. Commissioner Rivers asked, what's the full cost on that contract? Mr. Sweat said, the full cost of the contract is \$4.6 million. Commissioner Rivers asked, what's the minority with Kelly Dukes? Mr. Sweat said, it's \$478,000. Commissioner Rivers asked, what's the other getting? Mr. Sweat asked, sir? Commissioner Rivers asked, what's the other –, what's the other minority getting? Mr. Sweat said, the total of the minority firms on there is \$478,000 of the three firms. Commissioner Rivers asked, out of \$4.6 million? Mr. Sweat said, yes, sir. Commissioner Odell said, seven, eight percent. Commissioner Rivers said, you mean to tell me the locals, the minorities –, how much is Kelly Dukes getting? He's local. Mr. Sweat said, I don't know the specific amount. They didn't break it out on here. Commissioner Rivers said, well, I want them to break it out because I want to know how much Kelly Dukes is getting and if we continually get Bly, Bly and Pittman, who's out of Atlanta, who's always participating with this company, then we need to let them know that they need to consider local participation in there because we've got many local concrete people here, and that's appalling, \$478,000. So, you know, I'll –, Madam Chair, if we can allow by consensus to hold this up, I won't even use a motion. I won't even waste a motion to go with this matter here. I think it's absurd.

Vice Chairman Thomas said, given the scenario, what is your pleasure? Commissioner Rivers asked, does anybody have any objection to it? Vice Chairman Thomas said, hearing none, okay, by consensus.

Commissioner Rivers asked, can I get the breakdown on what the local person is getting? Mr. Sweat said, yes sir. Vice Chairman Thomas said, well, we keep asking for local participation and we agreed to do that and we need to just bring these things in line.

County Manager Abolt said, I would interpret what y'all are talking about now that at the next meeting we will bring the apparent low bidder forward and he would respond to your questions. You recall, this is the strategy used in the past. Some times it's more successful and others –, as you all know, these are goals, they're not absolute requirements to go, you know, and disqualify someone. You might be better served even though the contract would be delayed to have the contractor in front of you on the 22nd to answer those questions.

Commissioner Rivers said, thank you. Vice Chairman Thomas said, thank you very much.

The Clerk said, excuse me. We need to take action on that, to table it. Commissioner Kicklighter said, I move to table it. Commissioner Odell said, second. Commissioner Rivers said, second. Vice Chairman Thomas asked, any discussion? Please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Murray were not present; District Three was not represented.] Vice Chairman Thomas said, the motion is carried. Thank you.

As to Item 9-O:

CHANGE ORDER NO. 1 TO THE CONTRACT FOR THE PAVING AND DRAINAGE OF THE BAMBOO FARM AND COASTAL GARDENS CENTER FOR ADDITIONAL WORK REQUIRED; SPLOST; AD. D. WILLIAMS CONSTRUCTION COMPANY, INC.; \$20,548.92; SPLOST (1993-1998) - VARIOUS COUNTY ROADS AND BAMBOO FARM AND COASTAL GARDENS CENTER PAVING (PENDING BOARD APPROVAL OF TRANSFER).

Commissioner Rayno said, consistent with my vote before, I'm against this because I figure County roads should be paved before governmental roads. So you can make a motion to approve.

Commissioner Rivers said, it's a deal. I move to approve. Vice Chairman Thomas asked, do I hear a second? Commissioner Gellatly said, second. Vice Chairman Thomas asked, discussion?

Commissioner Kicklighter said, yes. What did you say now? Commissioner Rayno said, I said, the County roads should be paved before we do governmental parking lots and roads –. Commissioner Odell said, we're voting against the Bamboo parking lot. Commissioner Rayno said, plain and simple. And the people never voted for this. This is something we concocted after the fact. When the people voted for SPLOST, they didn't vote for the Bamboo thing to be paved or the Coastal Gardens Center.

Vice Chairman Thomas recognized Commissioner Rivers.

Commissioner Rivers said, and I want it to come out correctly, so I want Russ [Abolt] to give it to them the way we structured that deal for that paving or how it came down. Here again, Mr. Kicklighter, getting back to GDOT or what they do for us, and that was a sort of trade-off, see.

County Manager Abolt said, this was a tad complex and I will attempt to simplify it. You'll recall –. Commissioner Odell said, I think it's been defeated. Vice Chairman Thomas said, no, we haven't voted yet. Commissioner Odell said, it looks like votes to me. Vice Chairman Thomas said, I haven't even called for it yet. County Manager Abolt said, the controversy centered around two projects. They both came from a representative of the local delegation. There was advocacy for a road improvement at the Humane Society and then a similar project, larger in size but similar project at the Bamboo Farm. The County Commission during your last legislative lobbying efforts, and I believe it carried forward here, I think your number one priority was to add additional land to the Bamboo Farm. The delegation was very supportive of that. That money was never forthcoming from the State, but there was still a commitment on the mind and in the minds, I believe, of the County Commission that something could be done at the Bamboo Farm. Now we got ourselves almost tangled up in a very strict policy of this body that the money that Commissioner Rayno is referring to is to build roads, not to build parking lots. You had a member of the delegation come forward and testify as to the priority which was placed on both projects. We then went back and [inaudible] from Commissioner Coleman, and an agreement was reached that the State would pay for certain things, parking lots, and the County would pay for as part of their road project parking that was legitimately a part of the roadway. The long and the short of it was a very complex issue that was resolved, at least at the time, to the satisfaction of the County Commission, Mr. Coleman and then one person in particular out of the legislative delegation.

Commissioner Rivers said, so if you want to back out on the deal –. Commissioner Kicklighter asked, can we take this money and put towards our DMV site? County Manager Abolt said, no sir. Commissioner Kicklighter asked, no?

Vice Chairman Thomas said, okay, no further discussion? I call for the question. Please vote. Vice Chairman Thomas and Commissioners Rivers and Gellatly voted in favor of the motion. Commissioners Rayno, Odell and Kicklighter voted in opposition. The motion was defeated by a tie vote of three to three. [NOTE: Chairman Hair and Commissioner Murray were not present; District Three was not represented.] Vice Chairman Thomas said, it's defeated.

The County Manager Abolt said, please remember, this is a change order on a project that's already built. Commissioner Kicklighter asked, already built? County Manager Abolt said, yes sir, the roadway's –. Commissioner Kicklighter said, I move to reconsider. I make a motion to reconsider. Commissioner Rayno said, the government's already built something, [inaudible] to make a decision. Commissioner Gellatly said, we've already approved the first part of it. County Manager Abolt said, this has to do with a drainage issue. As they built the road they found they had a problem with the subsurface water. That's all this is.

Commissioner Odell said, reset. Commissioner Kicklighter asked, can we reset this. The Clerk said, just hit your reset button. Commissioners Rivers, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of five to one. [NOTE: Chairman Hair and Commissioner Murray were not present; District Three was not represented.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

1. Commissioner Rivers moved to approve Items 9-A through 9-P, except Items 9-B, 9-C, 9-F, 9-N and 9-O. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]

2. Commissioner Murray moved to approve Item 9-B and 9-C. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]
3. Commissioner Rayno moved that the County have in hand an intergovernmental agreement before we commit expenditures towards any project. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present; District Three was not represented.]
4. Item 9-F was incomplete and was withdrawn by staff from consideration by the Board of Commissioners.
5. Commissioner Kicklighter moved to table Item 9-N to the meeting of March 22nd. Commissioners Rivers and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Murray were not present; District Three was not represented.]
6. Commissioner Rivers moved to approve Item 9-O. Commissioner Gellatly seconded the motion. Commissioners Rivers, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of five to one. [NOTE: Chairman Hair and Commissioner Murray were 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. **PETITIONER, HAROLD B. YELLIN, AGENT (FOR PARKER #27, LLC, OWNER) IS REQUESTING REZONING THE NORTHWEST CORNER OF PRESIDENT STREET AND WAHLSTROM ROAD FROM I-H (HEAVY-INDUSTRIAL) AND I-L (LIGHT-INDUSTRIAL) CLASSIFICATIONSTO A P-B-C (PLANNED COMMUNITY-BUSINESS)CLASSIFICATIONFOR THE PURPOSE OF ESTABLISHING A CONVENIENCE STORE AND RELATED COMMERCIAL USES. THE MPC RECOMMENDED APPROVAL OF A P-B-C CLASSIFICATION AND APPROVAL OF A FUTURE LAND THAT AN ALTERNATE ZONING DISTRICT, P-B-N-1 (PLANNED NEIGHBORHOOD BUSINESS-LIMITED), BE APPROVED. THE MPC ALSO RECOMMENDED THAT A CHANGE IN THE FUTURE LAND USE MAP AMENDMENT FROM INDUSTRIAL TO RETAIL/OFFICE/COMMERCIAL. MPC FILE NO. Z-020117-38974-1 [DISTRICT 2.]**

Vice Chairman Thomas read this item into the record as the first reading. Vice Chairman Thomas said, no action at this time.

County Manager Abolt said, Madam Vice Chairperson. Vice Chairman Thomas said, yes. County Manager Abolt said, I defer to the attorney. We apparently clerically have made an error in giving you too many words on the actual title of the first reading and, as I know you all realize, if the title is imperfect, it could create problems in the eventual action of the Board.

County Attorney Hart said, we would ask that in the first reading, the language "P-B-N-1, (Planned Neighborhood Business-Limited), be approved" be removed from the reading of that caption. That was placed in error and was pointed out by the petitioner and that would correct the first reading.

Vice Chairman Thomas said, okay. I just want to point out that discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken. So that will be at the second reading.

ACTION OF THE BOARD:

Vice Chairman Thomas read this item into the record as the first reading.

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XII. SECOND READINGS

- 1. **PETITIONER: CHRISTOPHER A. ZIPPERER, AGENT FOR JOHN R. TURNER, OWNER, IS REQUESTING REZONING 418 JOHNNY MERCER BOULEVARD FROM A P-I-P (PLANNED INSTITUTIONAL-PROFESSIONAL) ZONING CLASSIFICATION TO A B-N-1 (NEIGHBORHOOD BUSINESS-LIMITED) CLASSIFICATION. THE MPC RECOMMENDED THAT AN ALTERNATE ZONING DISTRICT, P-B-N-1 (PLANNED NEIGHBORHOOD BUSINESS-LIMITED), BE APPROVED. THE MPC ALSO RECOMMENDED THAT A CHANGE IN THE FUTURE LAND USE MAP CLASSIFICATION OF THE SUBJECT PROPERTY FROM COMMERCIAL OFFICE TO COMMERCIAL RETAIL BE APPROVED.
MPC FILE NO. Z-011220-60254-1
[DISTRICT 4.]**

Vice Chairman Thomas said, please give your name.

Ms. Charlotte Moore said, my name is Charlotte Moore. I'm with the Metropolitan Planning Commission. Initially, the petitioner asked for a B-N-1 district. The MPC did recommend that the planned district designation, the "P" be added so that there can be site plan review for this property. They believe that development standards and the uses within the B-N-1 district are appropriate for the area and they have recommended approval.

Commissioner Kicklighter said, I make a motion to approve. Commissioner Odell said, second. Vice Chairman Thomas asked, discussion? All in favor of the vote -, I mean, the motion. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Murray were not present; District Three was not represented.] Vice Chairman Thomas said, the motion is carried. Thank you.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the petition of Christopher A. Zipperer, agent for John R. Turner, owner, requesting rezoning 418 Johnny Mercer Boulevard from a P-I-P (Planned Institution-Professional) zoning classification to a P-B-N-1 (Planned Neighborhood-Business-Limited) classification, and approved a change in the Future Land Use Map classification of the subject property from Commercial Office to Commercial Retail. Commissioner Odell seconded the motion and it carried unanimously [NOTE: Chairman Hair and Commissioner Murray were 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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EXECUTIVE SESSION

Upon motion being made by Commissioner Kicklighter, seconded by Commissioner Odell and unanimously approved, the Board recessed at 12:55 p.m., to go into Executive Session for the purpose of discussing litigation and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:40 p.m.

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ITEMS FROM EXECUTIVE SESSION

- 1. REQUEST AUTHORITY TO SETTLE PHILLIP FLEMING WORKMAN'S COMPENSATION STIF FUND (JON HART).**

ACTION OF THE BOARD:

Commissioner Rivers moved to authorize settlement of Phillip Fleming workman's compensation case in the amount of \$100,000 to be reimbursed from STIF fund. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray and Odell were 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 Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray and Odell were not present; District Three was not represented.]

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APPOINTMENTS

None.

ADJOURNMENT

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 1:41 p.m.

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APPROVED: THIS _____ DAY OF _____, 2002

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

SYBIL E. TILLMAN, COUNTY CLERK