

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JULY 12, 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, July 12, 2002.

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II. INVOCATION

Chairman Hair gave the invocation.

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III. PLEDGE OF ALLEGIANCE

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

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IV. ROLL CALL

The Clerk called the roll.

PRESENT: Dr. Billy B. Hair, Chairman
Dr. Priscilla D. Thomas, Vice Chairman, District Eight
Frank G. Murray, Chairman Pro Tem, District Four
Jeffrey D. Rayno, District One
John J. McMasters, District Three
Harris Odell, Jr., District Five
David M. Gellatly, District Six
B. Dean Kicklighter, District Seven

ABSENT: Joe Murray Rivers, District Two

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

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ORDER OF BUSINESS

Chairman Hair said, Commissioner Gellatly wants to add an item to the agenda that deals with a property issue. Commissioner Gellatly said, right. I'd like to ask my fellow Commissioners for unanimous consent to place an item on the agenda. I want to -, a developer by the name of Ernie Friedman had called me last week pointing out that he had a problem in the Rice Mill area of Georgetown, and he wants an opportunity to explain it. Chairman Hair said, he also made the request earlier in the week, but because of communications -, so without objection it's added to the agenda.

Chairman Hair said, I'd like to make an announcement primarily for the public that when we get to the public hearing on the budget later, the Clerk has a sign-up sheet over here. If you would like to speak on the budget, if you would go and sign up on that, it will help us keep the proper records and also recognize you in order. We appreciate that.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

- 1. PRESENTATION BY MR. BROOKS STILLWELL REGARDING ELECTIONS BOARD AND A LEASE ON THE KEHOE BUILDING ON MLK, JR., BOULEVARD. Note: At meeting of June 28, 2002, suggestion was made to bring this item back on July 12, 2002, for a decision after Mr. Stillwell reviews certain County properties to determine suitability.**

Chairman Hair recognized Mr. Brooks Stillwell.

Mr. Stillwell said, thank you, Mr. Chairman. As of all of you know, at the meeting two weeks ago we presented a request that we lease some property over on Martin Luther King to store the new voting equipment and so forth, and you asked that we go back and meet with the staff and see if there was possibly some County space available. We have done that. Mr. Abolt and his staff have identified some space at the Air National Guard Building out on Eisenhower that is suitable to our needs. The cost of renovating it to the County is a little bit higher than it would have been in the Kehoe Building, but we won't have to pay the rent and so the actual cost in the first year is pretty close to the same. It's slightly less for the National Guard Building, but you won't have a \$40,000 or \$50,000 expense item going forward for rent. So clearly from a budgetary standpoint it's a better solution. As I've discussed with some of you, and I think I wrote you a letter about this earlier, we feel that a better solution in the long run would be to build a new building for the Elections Board and the Registrars and perhaps some other County uses as far as the SPLOST in the next round, but this solution will satisfy our needs for the next two or three years at least and I think that is cost effective and a good use of County space. What we're requesting, and I don't know if this exact schedule is in your package -. County Manager Abolt said, it is. Mr. Stillwell said, - but the total cost of implementing the storage -, basically the local cost of implementing this new voting system the first year is \$153,900. We expect to get about \$8,000 of that back from the State, but what I would ask is that we get an appropriation for \$153,900 and that, you know, you may get -, you may and probably will get approximately \$8,000 of it back. That's the -, the State has a voter training component in their budget, and we expect \$8,000 back to be used to educate the public on how to use the machines. We have a plan for doing that, which I'll tell you about if you want or I can tell you about it later, but we in essence are going to implement about a six-week blitz campaign in the second half of September and all of October to get the public informed on how to use these machines, and that's what they have [inaudible] for, but the rest of the money is pretty much capital expense related to the electrical upgrades, we have to buy some new equipment and so forth.

Chairman Hair asked, any questions for Mr. Stillwell. Chairman Hair said, Commissioner Rayno and Commissioner Murray.

Commissioner Rayno asked, what's your year-to-date expenses for the Elections Board this year that ended on June 30th? Do you happen know off the top of your head? Mr. Stillwell said, I'm looking at a budget number that I'm not sure -, I haven't really been over this, but it's something like 300-and -, well, \$265,000. One thing you should recognize is the Elections Board budget varies pretty widely year to year because it depends on how many elections we're running, and it's approximately twice as high just normal operating budget in a presidential election year as in an off year. Commissioner Rayno asked, what's your request for this year? Mr. Stillwell said, I believe I'm looking at the -, Mr. Abolt, have you got the memo there that -? County Manager Abolt said, let me get it for you, sir. Mr. Stillwell said, if I'm reading from the correct sheet, it's \$750,018. That's the operating budget. That's in addition to this 153. County Manager Abolt said, the column one figure, which varies little from what he's actually requesting, is \$743,000. Commissioner Rayno said, so you're going to be getting close to \$500,000 more in next year's budget than the previous year. Mr. Stillwell said, well, that's expected. If you go back and look for three years back, it was -, our budget last year was \$330,000, the year before that it was \$667,000, which was a presidential election year. So it depends on -, one of the major expenses is, of course, paying all the poll workers and the transportation of equipment to the polls and so forth, and we don't incur that every year. Commissioner Rayno said, one of the line items was your electrical requirements. In the Morgan-Kehoe Building it was only \$8,500 -. Mr. Stillwell said, right. Commissioner Rayno said, as opposed to the Air National Guard, where it was \$23,600. Mr. Stillwell said, right. Commissioner Rayno asked, what were the discrepancies that would cause it to be much more at the National Guard Building? Mr. Stillwell said, well, the landlord was going to pay a substantial part of the cost in the Kehoe Building, so when you go to a County-owned facility, obviously we don't have a landlord to lay any of it off on. Now that's a capital cost, this \$23,000, it's not an operating cost, so that's nonrecurring. Commissioner Rayno said, nonrecurring. What kind of changes do you need to make? Mr. Stillwell asked, in electrical work? Commissioner Rayno said, yeah. Mr. Stillwell said, well, the building presently is not air conditioned and it doesn't have -, it must not have very -, I haven't -, I'm not real familiar with the electrical -. Commissioner Rayno said, yeah, the A/C was a separate line item. I was just wondering about the electrical requirements. Mr. Stillwell said, that's a number that the County staff electrician gave us. So it's possible that it will be less than that, but that's his estimate of the cost and the reason is you have -, that includes hooking up the -, we have to run very substantial electricity into any place we would have because there are going to be over 550 machines that all have to be charged at the same time in the few days before the election to give them backup power and there also has to be electricity and so you have to have the service run into the space for that and then the internal wiring to do that. So we had -, in our lease with the Morgan-Kehoe Building we had put electrical requirements in there for the landlord to run the service to the building. That was something like a \$10,000 cost that he was going to pay that we're going to have to pay because we're in the National Guard Building, so that's -, that's a substantial part of it. But these numbers come from the County facilities maintenance people. Chairman Hair asked, any further questions, Mr. Rayno? Commissioner Rayno asked, you'd be running the electricity on these systems just to test them and to do the training, is that correct, and then otherwise they'd be shut off? Mr. Stillwell said, well, it's not just for test -, yeah, that's sort of

true. For testing –, mainly what it's for is they –, each of these units has backup power in it, just like if you think of charging up your cell phone, and you have to charge that within a few days before the election before it goes out to the polling site, and it has to charge for something –, I don't remember how long –, 24 hours or something, and all of that has to be done within a particular period of time, and so we have to have drop cords and all that for 500 and some-odd units. Commissioner Rayno said, I just kind of find it hard to approve something when we don't have the specifics on –. Chairman Hair recognized Commissioner Murray. Commissioner Rayno said, – the electrical requirements and everything. You know, it could be that you don't necessarily need all that, but without having the information here I can't make that determination. Mr. Brooks said, well, we gave the specs to the County maintenance people and this is the numbers they came up with as their estimate of cost.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah. Brooks [Stillwell], what area of that building are we talking about using? Mr. Stillwell asked, Mr. Abolt, do you know exactly which area –? You know the building better me. County Manager Abolt said, I think it's –, it's one of the out buildings. I don't believe it's the main building. It's one of those ones that aren't improved is my understanding from talking to Mr. Monahan. Commissioner Murray asked, can we find out? I mean, I'd like to know which part because then I'd know what we're talking about. Mr. Stillwell said, Gail [Whitehead] is out of town today. Is anybody here from the County who's –? County Manager Abolt said, so is Mr. Monahan. I understand in talking –. Commissioner Murray asked, did any of y'all go out and look at it? County Manager Abolt said, yeah. Mr. Monahan went out with the folks and looked at the buildings and my –. Commissioner Murray asked, did you look at it? Mr. Stillwell said, I have not looked at it. Gail Whitehead, who's our Superintendent, went out there with all the facilities people and with Mr. Monahan –. County Manager Abolt said, my understand from being brief by Pat [Monahan] before he left, it's one of those rear building and, in fact, the reason why the costs were what they were was the fact that it was an open building that is not developed to the level that they require. Chairman Hair asked, Russ [Abolt], would Fred [Thompson] know? Commissioner Murray said, the reason I'm asking one of those buildings is a large metal warehouse that was used for storing stuff, and if that's the building we're talking about, then I'm surprised we can do it for this amount of money. County Manager Abolt said, we'll be able to find the specific building. Mr. Stillwell said, it's a portion of a building and it has little office spaces in it or next to it. Commissioner Murray asked, is that where GEMA used to be? That would be large enough. County Manager Abolt said, I don't want to be premature. They did look at the facility from the standpoint of having the physical stability to house it. Commissioner Murray said, I guess what bothers me then is we can't really get the questions answered that we're asking right now, and I thought we were going to have a full presentation, which you've given a presentation for the funding, but we don't even know what building or what part of that facility we're going to try to use to renovate. I'd like to know that. County Manager Abolt said, we will find out for you. If I may, too, your issue today beyond that, and that's certainly critical, is that to allow Mr. Stillwell to respond to the machines coming a commitment would have to be made to fund and that commitment would be embodied, in effect, regardless of what the outcome of your budget deliberation is, when all is said and done, an amount of money, and this way Mr. Stillwell has indicated about \$153,000, would have to remain somewhere to get the work done. Commissioner Murray said, and I would like to vote on it today, so I will make a motion that we table this until we can get somebody up here to tell us before this meeting's over. County Manager Abolt said, we'll find out right now.

Chairman Hair asked, are you recommending tabling it until later in the meeting or –. Commissioner Murray said, yeah, during this meeting. Chairman Hair said, well, I don't think we need a table to do that. We'll just delay it. Commissioner Murray said, well, just delay it until then. Chairman Hair said, we don't need to table it. We'll just delay it until later in the agenda and we'll come back to it. Commissioner Murray said, that's fine. Commissioner McMasters asked, can I get a question. Chairman Hair said, Commissioner McMasters, certainly.

Commissioner McMasters said, Mr. Stillwell, I don't see anything in the staff report or your report relative to the two buildings that we suggested that you tour, and I'd like to know the outcome of that. County Manager Abolt said, the outcome of that was you'd already authorized disposition and there were contract sales agreements already in place and in fact they were processed from the standpoint of being sold. Commissioner McMasters said, we did not remove that, Russ [Abolt]. In a prior meeting we asked about the sale of those things –. County Manager Abolt said, no, sir. Commissioner McMasters said, and we agreed to –. County Manager Abolt said, you did, but then you came back and the issue was then, I believe, who they should be sold to and it was back on your agenda and you agreed. To my recollection. Commissioner McMasters said, it must have occurred while I was gone. County Manager Abolt said, it could have been. I knew it was held off for a while and again it came back. Commissioner McMasters asked, so who did we sell them to, not to belabor this –? County Attorney Hart said, the City of Savannah. Commissioner McMasters said, so they're not going to produce any tax revenue. County Manager Abolt said, yeah, but if I remember, the issue was, Commissioner McMasters, y'all tabled it and then came back and then there was discussion and then in a majority vote you said proceed with the sale. Commissioner McMasters said, okay.

Chairman Hair said, we'll delay it until later. County Manager Abolt said, yeah. We will find out. We have –, do you want to come forward?

Mr. Harry McDonald said, sir, I'm Harry McDonald, Special Projects. What we did is we met with the Elections Board to take advantage of some space available out at the Air National Guard Complex. The space that we looked at is the old parts area. It's got a big open bay door. It's directly behind the area that Gregori Anderson's office is utilizing. It still has access from the side, gives them a large door to off-load, ground level access to the electrical room to offer

the electrical improvements that they need. It needs some HVAC work done to give them the conditions that they need, but they felt it was adequate for their needs.

Commissioner Murray asked, so this is the portion then that if you walk in the front door to get to Gregori's office, you can go out straight through the other door –. Mr. McDonald said, yes, sir. Commissioner Murray said, and go into the large what used to be a storage room. Mr. McDonald said, yes, sir. Commissioner Murray said, okay. Supply room. Okay. I was thinking it was an out-parcel from the back, but that's –. Mr. McDonald said, no, the Air National Guard's still there and will be until it looks like November. Commissioner Murray said, well, that would make sense, and that room certainly would have to have a lot of stuff done to it as far as electrical and it does not have A/C, so I can understand the cost on it. Mr. McDonald said, right, and again what we were looking at to meet their needs was just the [inaudible] service to give them the power they need to either set the equipment up for programming. We looked at minimal HVAC, we tried to take advantage of what equipment was there, but it really doesn't –, it's not –, the condition of the equipment doesn't warrant repair, but we looked at minimal HVAC that would give them the conditions that they needed. Commissioner Murray asked, that room's already insulated, isn't it? Mr. McDonald said, no, sir, not to any great extent other than concrete walls.

Chairman Hair asked, Commissioner Rayno, do you have a question?

Commissioner Rayno asked, what were the electrical changes that has to be made? Mr. McDonald said, they needed just 1,000 amp service, individual panels just to plug the machines up, and that's what the electrical service is. Regardless of where they went, there's not a complex arrangement of plug arrangements where they can service and activate those machines. Commissioner Rayno asked, so you're going to have to put in a brand new load center, you're going to have to put in –. Mr. McDonald said, no, sir. The Air National Guard has adequate, we've just got to –, we're going to pull off of what's there. That's why we felt there was an advantage in that location. It gives us ready access to their electrical and which is nearby. Regardless though, there's going to have to be some work just to give them the plug layout and things that they need. Commissioner Rayno said, and you going to run it through conduits and it's going to be attached to the wall. Mr. McDonald said, yes, sir. All the –. Commissioner Rayno asked, and that's going to cost \$23,000? Mr. McDonald said, that's the –, based off of what they've given us, yes, sir, regardless of where they go, but –, and again we're looking at whether it be a long term or a short term scenario that would offer some advantage to anybody else that comes in there.

Chairman Hair asked, any other questions? Anyone want to make a motion to approve? Commissioner Odell said, I make a motion to approve. Chairman Hair asked, do I have a second? Commissioner Thomas said, second. Chairman Hair said, all those in favor –.

Commissioner Rayno said, I'd just like to say, they've got a huge increase in their budget from last year and, I'm telling you, I think they've got enough money in that budget to do what they've got to do without giving them more money. We're in a budget deficit right now. You're going to increase that deficit by voting on this today.

Commissioner Murray asked, Russ [Abolt], is there –, you know, when we did the bonding and stuff to renovate that building, is there any funding left in that account that was not utilized when we did that building originally for Inspections to move in there? County Manager Abolt said, I would have to check. I –, my memory is not completely available. We did some –, when Mr. Lynch was here we did some follow-up stuff. I don't think so, but I can check for you, sir. Commissioner Murray said, if there is I'd like to see –. County Manager Abolt said, if it is, it's not a great deal, and that's only a sense I have, not exact.

Commissioner Kicklighter said, I'm wondering is there any way to come to some type of a compromise here and approve like half of the funds that would go in. That would provide the air conditioning and, you know, it seems to me the electrical work, that's kind of a –. Chairman Hair said, you can't provide –, they can't operate with half of the renovation.

Commissioner Murray said, in order to do it, if you knew what the room looked like, and I do, they need to do all the work in order to be able to work out of there now. Now what I would suggest that we do is approve this and then go to our State delegation, our local delegation, and ask them to go back to the State. They're the ones that said we had to get the new machines and see if we can't get some reimbursement back from the State.

Commissioner Rayno said, your other option is Mosquito Control. It's got air conditioning already, they're going to be empty out of the offices. It probably has some electrical requirements with a little bit of changes. You save \$30,000 on A/C costs. You go ahead today and approve this, you're going to increase the deficit.

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

ACTION OF THE BOARD:

Commissioner Odell moved to appropriate \$153,900 to the Elections Board for the renovation of a portion of a building at the Air National Guard Complex on Eisenhower Drive for implementing the new voting machine system as mandated

by the State of Georgia. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Murray, Odell, Gellatly and Thomas voted in favor of the motion. Commissioners Rayno, McMasters and Kicklighter voted in opposition. The motion carried by a vote of five to three. [NOTE: Commissioner Rivers was not present.]

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VI. CHAIRMAN'S ITEMS

None.

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VII. COMMISSIONERS' ITEMS

1. DISSEMINATION OF INFORMATION REGARDING THIS YEAR'S BUDGET (COMMISSIONER MCMASTERS).

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Dr. Hair. In putting together a rough budget outline we discovered that certain information was going only to certain Commissioners and through no fault of staff's, and we felt that it would perhaps be a little more fluid process, better informational exchange, if we could agree as Commissioners to go ahead and just let staff copy everyone on any budget topic with the understanding that only if you specifically say don't copy just these people. That way nothing will fall through the cracks. All information will be exchanged on the budget. We'll get it quicker, we'll have more of it, and will be able to do our work. So my request here is that as a body we just agree to share all our -, ask staff to go ahead and just automatically copy the entire Board on any individual Commissioner's budgetary informational requests.

Chairman Hair said, I don't think anybody will have any objection to that. I think that's sort of common sense. Commissioner McMasters asked, do I need to put that in a motion or is that just agreeable? Chairman Hair said, I don't so. I don't think we'd -.

County Manager Abolt said, for clarification, do you want us to go back and copy everything? I mean, we'd gladly do it, but is it just going forward? I think you want to go back, don't you? Commissioner McMasters said, well, you discussed in our meeting, Russ [Abolt], this booklet that ought to get us all caught up. Is that correct? County Manager Abolt said, yes, sir. That's fine with me. Commissioner McMasters asked, when do you anticipate that being available? County Manager Abolt said, as soon as the Print Shop can do it, sir.

Chairman Hair said, why don't we just go ahead and get all back information. That way we won't have any problems. Commissioner McMasters said, okay. County Manager Abolt said, we'll start printing it this weekend. Chairman Hair said, go ahead and do that and just make sure everybody gets a copy and then disseminate to everyone. County Manager Abolt said, we'll put a notebook.

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2. ANGELA V. MARTIN, 52 SHIPWRECK COURT, REGARDING REIMBURSEMENT FOR HOMESTEAD EXEMPTION (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes. At our last meeting when we were talking with Mr. Udinsky and Mr. Vestal about the situation in the Tax Assessor's office, I brought this issue up and said there was an individual that had just called me that same week that, if I'm not mistaken, in February 23rd of 1984 had filed for homestead exemption, and then when she got the new bills that went out, those bills were printed out differently and it showed the Stephens-Day on there and hers did not show where she was getting that homestead. She called and was told that she did not have it. So she went to her safety deposit box, found her certificate where she had filled out the paperwork for this in February -, I think that I have the date right -, February 23, 1984, and called them back and they said they can only go back three years to reimburse her and it has to come before the Commission. I put it on the agenda because I feel like if we, as a County, made the mistake, we need to reimburse this person for the full amount back to 1984. And let me just use a little scenario. If in fact she decided not to pay her tax bills for, say, three years or four years, she wouldn't have a house.

They'd come in and take it and that could be her mistake because she put the papers in the wrong place or something. And, you know, when we make a mistake as County government, regardless of who made that mistake, then I feel like we're responsible and we need to take and make the mistake right, correct it and move forward, and I know we've got this three year thing, but I will move that we reimburse -. She is here if anybody wants to ask her any questions about it.

Chairman Hair said, I totally agree with you, Commissioner Murray. Isn't there a law though -, aren't we held to just a three-year reimbursement that we can't go beyond, State law says we can't go beyond three years? Am I correct, Mr. Hart, or not?

County Attorney Hart said, yes, sir. Commissioner Murray is correct. Apparently this lady did apply in February of '84 for a homestead exemption and did not receive it, and I asked the Commission -, Tax Commissioner to look back and see what we're talking about in back taxes, and between 1984 and 1988 [sic] there's about \$2,149 that she paid that she shouldn't have paid, and then from '99 to 2001 there's \$1,093 that she paid that she shouldn't have paid. But the statute says, 48-5-380, basically says y'all can make account corrections back for three years, and not this past term of the Legislature, but the term before that, legislation was introduced to take it back to seven years and was voted down by the Legislators. So I think the intent of the Legislature is apparently to keep it at three years and that's what the law is.

Chairman Hair said, so, Commissioner Murray, your motion will not -. Commissioner Murray said, well, I understand what -. Chairman Hair said, not go going to go up against the law, right. It's not -. Commissioner Murray said, yes, my motion is because I don't agree with it. Commissioner Rayno said, second. Commissioner Murray said, I think that we made the mistake and we need to reimburse, and it does not make sense to tell somebody that's done everything they need to do that we made the mistake but you're going to pay for it, and that's what happens over and over and over. Chairman Hair said, Commissioner Odell is next.

Commissioner Odell said, Jon [Hart], just a point of clarification. If we know what the law is and we do that which is in direct opposition to the law, what is that called? Is that malfeasance? County Attorney Hart said, I don't know if it would be malfeasance because I don't think there's any criminal intent. You could possibly categorize it -. Commissioner Odell said, but it's government money. County Attorney Hart said, - as misfeasance. Commissioner Odell said, it's government money and the statute says that we can only go back three years. Right, wrong or indifferent, that's what the statute says. If we give government money beyond that, my question is we can't make a gift, can we? County Attorney Hart said, well, you -. No, sir. You would have two situations there. Somebody could bring an action for misfeasance, which is inappropriate use of public funds, or they -, or someone could bring an action claiming that the payment was a gratuity. Commissioner Odell said, that's my first question. My second question is whether or not a motion that is in direct opposition to the law, even though it's seconded properly, secondly -, been seconded, whether or not that's a proper motion? County Attorney Hart said, I do not know the answer to that without some research.

Chairman Hair said, I would like -, I would like to follow up on Commissioner Odell. I think it's an illegal motion and I -, do I have the power to rule the motion illegal? Commissioner Murray said, I think I can keep you from doing that if you'll let me ask some more questions. Chairman Hair said, okay.

Commissioner Murray said, first of all, at our last meeting we did something illegal against our own ordinances by allowing somebody to keep a house and keep somebody living in that property. That's against our own ordinance. This conversation didn't come up during that. What's the difference in that and what we're trying to do now? The other thing I've got is a couple of years ago, and I don't remember the exact time or situation, but we did reimburse someone and we did it based on this amount for three years plus an interest thing added onto that, and we did reimburse that person. There's a way of getting around -, there's a way of doing it where it makes it legal. County Attorney Hart said, that was a -. Commissioner Murray said, now we're up here to protect the taxpayers, and how are we doing that when we do this kind of stuff? Commissioner Rayno said, it's not the government's money, it's -.

Chairman Hair said, well, I think that's a different motion, Commissioner Murray. Am I asking -, are you asking that we reimburse the three years plus interest? I think that's legitimate. Commissioner Murray said, well, my -, let me rephrase the motion then if we can do that. I will move that we do three years plus interest that comes out to that amount of money. Chairman Hair said, I don't think going back to '84 -. Commissioner Rayno said, second. Chairman Hair said, well, wait a minute. We have -, we need -. Withdraw your first motion. Commissioner Murray said, I withdraw it. Chairman Hair asked, do you withdraw your second? Commissioner Rayno said, yes. Chairman Hair said, okay. Commissioner Odell said, give her three years plus interest. Chairman Hair said, we're talking -, now the motion is to pay the three years plus the interest, which I personally think would be legal, and I would have no problem supporting that a hundred percent. I just think we can't go back and violate the law.

Commissioner Murray said, but you know, and that's fine and we'll get through this one, but what bothers me with this is that we can use this legal thing for one situation but we don't use it on the other situation. Now if we're going to use it on this one, then we need to go back and rescind what we did at the last meeting on the other piece of property because that was against the law. It was against our own County law. Chairman Hair asked, are you making the motion three years plus interest? Is that the motion? Commissioner McMasters said, let me have a little more discussion before you make that. Chairman Hair said, okay. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, okay. This taxpayer has been poorly treated. The –, we have not followed the law. We did not treat her homestead exemption properly. This is our fault, and had this woman had the benefit of this \$3,193 over this time frame, she might have invested it and made interest on it. I certainly would have. It's not unreasonable. So what we're doing here, which I think is a creative way to go, follow the law, and go ahead and make an interest rate equivalent to the \$2,100, which the County Attorney says we are on a statutory basis unable to collect, but I think we should go a bit farther and we should award this woman for this error a reasonable, modest amount of interest that she might have expected in a savings account for this amount of money over this term. So I'd like for you to consider, Frank [Murray], that. Chairman Hair asked, isn't that the motion? The motion is –. Commissioner McMasters said, well, no, the motion was simply to reimburse –. Chairman Hair said, the \$3,300 [sic] plus interest. Commissioner McMasters said, reimburse all the money that she paid –. Chairman Hair said, plus –, plus interest. Plus interest.

Commissioner Murray said, I withdrew that. Now I've done it with the interest. Chairman Hair said, yeah, with interest. Commissioner McMasters said, okay, so what –. Chairman Hair said, that's what you're suggesting. Commissioner Murray said, the same thing you suggest. Chairman Hair said, that's his motion. Commissioner McMasters asked, are we going to just add interest enough to make up the \$2,100 that we can't refunded? Chairman Hair said, no. Commissioner McMasters said, okay, so the entire –. Chairman Hair said, no, the interest will be normal interest that –.

Commissioner Odell said, you all are saying different things. I don't think you're listening. McMasters is saying he wants the interest to equal to what we owe her plus –. Commissioner McMasters said, plus the interest that she might have experienced had she had the benefit of this money over this time because she should have never paid this money is the point. Chairman Hair said, the interest could not exceed what a market rate of interest would be. Commissioner McMasters said, agreed, but that's interest on the total amount paid. Chairman Hair said, I don't –. Commissioner Rayno said, we can't speculate whether she would have invested this money. Chairman Hair said, I don't think that's. Commissioner Murray said, yeah, I think she should just get the money back. Chairman Hair said, I think a clean motion –, I think Commissioner Murray's motion is a clean, very clean, legal motion that goes as far to help –, there's no question the County made a mistake. There's no question she should be reimbursed, but again we've got to follow the law. Commissioner Murray's motion is a very clean motion. Reimburse her three years plus interest on that money that would be –, and I think that's legal. It's a clean motion, and I think that's what we should do.

Commissioner Murray said, I'd like to restate the motion. Chairman Hair said, okay. Commissioner Murray said, that we reimburse by the legal amount of three years, but we also do it with the interest to make it as high as we can to get to that total figure and, at the same time, that the office that made this error, which I believe is the Board of Assessors, the Tax Assessor's office, send her a written letter of apology for the error that was incurred during this time. Commissioner Rayno said, and include that letter in the file of the Chief Appraiser. Commissioner McMasters said, I'll second that. Chairman Hair said, I don't think the Chief Appraiser was holding that position at the time this error –. Commissioner Murray said, he was not. Commissioner Rayno said, okay. Chairman Hair said, okay, I think that –. Commissioner Odell has the floor first and then Commissioner Kicklighter.

Commissioner Odell said, you know, Frank [Murray], just to clear your mind on this issue versus the other, my position is not that we should not reimburse the lady. I think that if we made the mistake, we should reimburse her. My concern here is that, believe it or not, I'm not interested in doing something which is directly in opposition to the law. I see a major distinction between what we did last occasion and what we did here. I don't think that there's one rule for every situation. If we could reimburse her back to 1984, I think we should because you're correct, we made the mistake. But we, when we met with our Legislators, tried to get them to give us the power to go back to seven years, and I understand from our attorney that was introduced and did not pass. I don't disagree with you, Frank [Murray], it's just I think there's three years and that's what we've got to do. Commissioner Murray said, well, the whole point of this though is that you're talking about what's against the law. Now if it's against the law, it's against the law. Right? Commissioner Odell said, no. Commissioner Murray said, so, in other words, if we happen to know somebody a little bit better than we know the other one, it's not against the law. Commissioner Odell said, that's not what I'm saying. What I'm saying is that the facts create the underlying whether or not it's legal or illegal, and these are not identical situations and –. Commissioner Murray said, I'm not saying it's identical. Commissioner Odell said, – to apply the identical laws I think would be misleading. We can debate this and –. Commissioner Murray said, I don't want to debate the whole thing. The only thing I'd like the County Attorney do is research everything and find out. I want her to get the most that she can get back on what we've got. County Attorney Hart said, I must tell you the statute does not provide for interest either. Commissioner Murray said, we have done that in the past now. You go back and search the records within two or three years ago we've done this. County Attorney Hart said, I understand that, Commissioner Murray. I understand that on one occasion involving a piece of property y'all have elected to do that. All I can do is tell you what the law is. What you choose to do is –.

Chairman Hair asked, are you saying the law does not allow for interest either? Commissioner Odell said, no. County Attorney Hart said, no, it does not. Commissioner McMasters asked, it prohibits interest? County Attorney Hart said, it doesn't prohibit it, but it does not allow it. Chairman Hair said, okay, then I think that's –, that's okay. Okay, Commissioner Kicklighter and then I think we're ready to vote.

Commissioner Kicklighter said, I just want to state that I believe the difference on that is we're talking about State law versus a local ordinance, which we're not going to crack down on ourselves on a local ordinance where the State can crack down. Chairman Hair said, plus we have the power to change our ordinance. We don't have the power to change State law. Commissioner Kicklighter said, and I'd like to –, I'd like to reimburse, you know, I'd like to reimburse the full

amount also, but this is a State issue. And, again, we know we're sometimes called the State of Chatham, but we're not, and, you know, this is something we need to –, if I can get consensus from this group, put that on one of our top priorities again when we lobby the Legislators –. Chairman Hair said, make a note of that. Commissioner Kicklighter said, I think it should definitely be there, but by bringing this issue up and arguing like this to the public, it kind of points blame at us when this is not our –. We made the mistake, but we're not the problem. We're trying to resolve it, but it takes the State of Georgia to resolve this issue. So that's one thing. We do enough things on our own to warrant the blame and trouble that we seem to get into, but this is not one that we can control. We can only do what State law allows us to do, and we can lobby to change that State law. I mean, I'd love to give her back the full amount, too, but don't please make me or anybody else out to be a bad guy for not breaking State law. And, you know, I'll vote to do whatever the law –, whatever the law will allow us to do is what I'll do, and if it would allow the max plus interest, I'd –. I like John's [McMasters] idea, but it's not going to allow it and I don't want to break the State law and get in trouble.

Commissioner Murray said, nothing that we said was referring to any Commissioner up here that we're putting the blame there. The blame is in the department that made the error. Commissioner Kicklighter said, right. Commissioner Murray said, period. So if we go with or without the State law, that's up to everybody.

Chairman Hair said, all right. We have a motion. Did you second the motion, Commissioner Rayno? Commissioner Rayno said, yes. Commissioner Kicklighter asked, what's the motion. Chairman Hair said, all right. The motion is to reimburse for three years plus interest. That's the motion. Commissioner Kicklighter asked, well, didn't they just say we can't do interest? Chairman Hair said, he said that the law did not prohibit. It remained silent on it so I think we could do that. If we're challenged –. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved that the Board reimburse Ms. Angela V. Martin, 52 Shipwreck Court, for the three years allowed by law plus interest for homestead exemption which she was incorrectly billed and paid. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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3. H.W.MCCARTHY REGARDING HIS REQUEST TO PURCHASE PROPERTY ADJOINING HIS PROPERTY (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, this is a piece of property that's on Islands Expressway and East Pines that sits –, backs up to the creek, and he has asked that a piece of property he wants to extend his house, I think, is it 20 feet? Mr. McCarthy said, 20 feet. Commissioner Murray said, and I don't know how much property you have from your house to that. You need to explain that part of it.

Mr. H. W. McCarthy said, from the 20 feet that I propose to get, from there to the asphalt is a little over 80 feet. The Islands Expressway, as you know, runs North and South. Where I propose –, in other words, the marsh is –, dead-ends on the side where –, the right hand side going towards town. Well, I've been taking care of the highway there, you know, that's –, but everybody thought it was my property, but I ain't going to build on it knowing it ain't my property. So that's why I'm up here, to buy 20 feet of it, and the electrical company told me that I was all right. It will be about 15 to 18 feet from the power line. I planted trees on the property, which I still don't claim it, but I put 45 cedar trees. I think 30 of them are living, and I planted shrubbery and all, but I keep in mind that it's not my property, and as I would tell you.

Chairman Hair asked, Mr. McCarthy, do you –, did you get a letter from SEPCO saying that –, what are they going to –? Mr. McCarthy said, I called them up several times. Chairman Hair asked, you don't have anything in writing from them, do you? Mr. McCarthy said, well, I could get it, sir, but I called them up and they told me that the requirement that what I've got and they told me that it would be all right. I mean, I called them. Chairman Hair asked, if you could buy the property, you're going to give them an easement through your property like we've got an easement? Mr. McCarthy said, oh, yeah. They –, all they've got is a line coming from the pole to where the property I would like to get. It's not where I'm going to mess with. It's just the pole is back off to the corner of the property. Chairman Hair said, but they currently have an easement on the property you're trying to buy. Mr. McCarthy said, sir, I don't know. I mean, you know, I've been back and forth about them having easements on property. Chairman Hair said, well, if they didn't have an easement they wouldn't be a party in this conflict. Mr. McCarthy said, well, evidently they've got an easement, but I talked to them and they said that where I'm going to build my room is no problem to them. I mean, they told me definite, and two times. As a matter of fact, the second time he said, "Look, I told you before." And I did ask them to send me a letter, but he said, you know, like, "You ain't got to worry." That's the way it went. Chairman Hair said, well, I think if I was going to buy a piece of property, I'd get something in writing. I don't think I'd –. Mr. McCarthy said, now, wait a minute. What I mean by it is the power lines –, the power lines are far enough away from me to where, you know, I can build. Chairman Hair asked, Commissioner Murray, you got anything else? What are you recommending?

Mr. McCarthy said, I've got pictures of it, sir, if you'd like to see it. I mean, I –. Chairman Hair said, I'm not sure what he's recommending.

Commissioner Murray said, I thought when we talked that you were going to get a letter and bring a letter from the power company. Mr. McCarthy said, well, if you want to look at the pictures, you can see how far it is. Commissioner Murray said, without that letter, without having something from the power company in writing –. Chairman Hair said, I've got a problem with this. Commissioner Murray said, – we can't go any further with it. I mean, we've got to have something from them and I thought you were going to get something from them when we talked.

Chairman Hair asked, could we table it until he gets a letter from SEPCO and brings it back? Commissioner Murray said, yes, we could. Chairman Hair said, I think that would be appropriate. Chairman Hair asked, Mr. McCarthy, do you understand we'll delay it until you get a letter from SEPCO and bring it back to us? Mr. McCarthy said, yeah, I'll be glad to. Commissioner Murray said, we need something documenting that –. Mr. McCarthy said, I mean, but the pictures here show definite that it's almost 80 feet away from the house. Chairman Hair said, I think if we table it until –. Commissioner Murray said, but what I'm saying is we need something documenting what the power company will or will not do. Mr. McCarthy said, okay, the main thing you want is just some kind of documentation from them saying that where I want to build is all right, or –. Commissioner Murray said, if I understand correctly, what you want to do is build –, from where your house is, come out 20 feet with another room. Mr. McCarthy said, right. Chairman Hair said, it might be helpful, Commissioner Murray, if we get Mr. Hart to tell Mr. McCarthy we might need from a legal point of view. What will we need?

County Attorney Hart said, well, the County's policy on that is that if it is an obsolete non-used right-of-way, we will consider deeding it. If it's part of an active right-of-way, we will not deed it. If it –. Chairman Hair asked, is it part of an active right-of-way? County Attorney Hart said, in my understanding from the County Engineer's office, it's part of the active right-of-way and has utilities in it. So at the very least we would want to have plat and survey of where the utilities are and where they're located because I understand some of them are over the ground and some of them are under the ground. Chairman Hair said, yeah, we definitely need that. County Attorney Hart said, and we just –, you know, and we would require whoever has those utility easements to also tell us that they have no problem with giving away part of the right-of-way. Chairman Hair said, why don't we do this. Why don't we have the Engineer to give us a plat and to have all of the utility providers that are in that right-of-way give us the letter just like SEPCO's going to give. Any other utility providers we also would need a letter. Mr. McCarthy said, we have a sewer line which is next to the highway. It's about 15 feet off the highway –. Chairman Hair asked, is that City of Savannah? Mr. McCarthy said, – which crosses over –. If you remember the pollution thing that was here a couple of months, a month ago –. Chairman Hair said, yes, sir. Mr. McCarthy said, well, that's what it was. It goes across under the ground and back over towards town. Chairman Hair said, if you could provide us with documentation from all of the utility providers that go through this property, that's what we're going to need to go forward. Plus we still may have a problem with the fact that it's active right-of-way. Mr. McCarthy said, well, it dead-ends to the marsh, sir. They talked about putting a bicycle route there, a walkway. Picture, this is a hill. This is not –. Chairman Hair asked, is it State right-of-way? That's President Street, right? Mr. McCarthy said, it's President Street. It's the only one –, it's right on the corner of East Pine –, it's on the corner of East Pine and going towards town –, you know where the boat ramp is? Chairman Hair said, yes, sir. Mr. McCarthy said, I'm the next place and –, which I love it there, and I need a bigger room. I'm getting where I like to have a bigger bedroom. Chairman Hair said, okay, sir. Do you understand what you need to provide us? Mr. McCarthy said, well, from what I gather, I need to get something from the electric company, but the sewer people I don't know how to do that now. Chairman Hair said, well, that's the City of Savannah. Mr. McCarthy said, that's the City. Chairman Hair said, well, you're going to need a letter from them as well because if they've got a utility easement through the right-of-way, you're going to have to –, we can't deed property in an active right-of-way –. Mr. McCarthy said, well, see, what happens is, if you will remember, Oatland Island Road used to go around back towards the radio station. It dead-ends at my house. It dead-ends there. Chairman Hair said, I understand. Commissioner, why don't you –?

Commissioner Murray asked, Jon [Hart], could you just give him a writing –, something in writing of what he needs to bring back? County Attorney Hart said, we have a right-of-way –. Commissioner Murray said, as soon as he receives all that, then he can call me and I'll put it back on the agenda. County Attorney Hart said, sure. We have a procedure for that and I would suggest that he get in touch with Vince Grevemberg or Al Bungard because we do it all the time, but it requires you to have an unopened right-of-way that the County has no use for and doesn't have utilities in it.

Chairman Hair said, I think we also need an opinion from the County Engineer and the County Attorney about whether or not, even if he does this –. Commissioner Kicklighter said, the County Manager is wanting to tell us something. County Manager Abolt said, I want to let y'all, going into –, we've got the files here and Commissioner Murray has been very helpful and we've gotten with Mr. McCarthy on the site. You've hit it right on the head, sir. The issue is, even after all this, you have what is referred to as a very active roadway for which in the future the public interest might be better served to keep that in public ownership, and that will become the resulting issue, certainly in the mind of Mr. Bungard, and that's documented over several weeks of working with Mr. McCarthy.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, and I've seen all that, Russ [Abolt], and I guess the question I have, looking at that piece of property, and I go by there every day, even if we put a bike path in, even if they added another lane onto that expressway, on a so-called expressway –. Mr. McCarthy said, here's an aerial view if you'd like to see it. Commis-

sioner Murray said, – there's still plenty of room there, and that's the only part that I'm talking about. So I think that it's something that needs to be looked at again. County Manager Abolt said, yes, sir. Y'all have the ultimate decision.

Chairman Hair said, we know ultimately what we need and, Mr. Hart, you're going to provide Mr. McCarthy what he –, a list of what he needs or Mr. Bungard is going to provide –. County Attorney Hart said, Vince Grevemberg. Chairman Hair said, Vince Grevemberg's going to provide –. County Attorney Hart said, – is the person to do that.

Commissioner Murray said, as soon as you receive, as soon as you get that stuff in writing, let me know and we'll put it back on the agenda for the next meeting. Mr. McCarthy said, okay, well, that's the main thing. I thought I would have to have that, but I kept telling the guy and he said, "Well, don't worry, don't worry, don't worry." You know, and I said, well –.

Chairman Hair said, thank you, Mr. McCarthy. We appreciate you being here, sir. Mr. McCarthy said, I appreciate it, sir.

ACTION OF THE BOARD:

Mr. McCarthy is to obtain written documentation from everyone having a utility easement on the property in question. When he has received everything he needs, Mr. McCarthy is to contact Commissioner Murray, who will then have it placed on the agenda for the next meeting.

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4. USI TRANSFER OF INFORMATION (COMMISSIONER RAYNO).

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, when we transferred from USI to Blue Cross/Blue Shield some people who were under the USI program had met their deductible and the folks from Blue Cross/Blue Shield had requested that USI transfer those folks who had met their deductible over to the new system, and that information was not being sent. It brought a little bit of concern to my eyes because some employees out there who had met their deductible were being forced again to start a new deductible again, which I thought was a huge injustice. But we recently got a letter last night in the packet saying that USI is going to be transferring that information over to Blue Cross/Blue Shield by this coming Friday in a week, and I'm assured that it will be there, and I thank them for taking care of that finally.

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5. CAT BOARD MEETING REGARDING NEW TRANSFER CENTER (COMMISSIONER MCMASTERS AND COMMISSIONER MURRAY).

Chairman Hair asked, who's going to take the lead on this? Commissioner McMasters said, I will. Chairman Hair said, okay.

Commissioner McMasters asked, were we not supposed to have a regular scheduled CAT board meeting today? Chairman Hair said, we usually have the first of each month except two or three times a year. You know, if they don't have any agenda items or anything, they don't have any items being requested, we delay the meeting. Commissioner Rayno said, they do have a budget that they've got to get out. Chairman Hair said, Mr. Lansing called me and said he had no items that needed to be –, so he, you know, he said just –. Commissioner McMasters said, well, I've got a subject that I'd sure like to have them here to talk about. Chairman Hair said, well, certainly you can do that. That's not a problem. Commissioner McMasters asked, well, can we make a recommendation that CAT come back to their regular scheduled meeting schedule so that we can address some issues like the new search for a location? Chairman Hair said, well, it wouldn't necessarily be to come back. It would just be –, it will have to be August anyway. I mean, we –, probably two or three times a year we don't have CAT board meeting because there's nothing to be discussed. It's not an uncommon thing, Commissioner McMasters. I don't –, we do it all the time. We do it two or three times a year every year. Commissioner McMasters asked, well, is this an indication –. Chairman Hair said, if the indication is that it was some reason that they didn't want to have a meeting, I don't think that's true. It's just a routine –, he said he had no agenda items, and –. Commissioner Rayno asked, he has no budget to get done? Chairman Hair said, he said he had no agenda items that did not need to be discussed in this month, and the month of August –. Commissioner McMasters said, well, I would like to discuss, I have issues that I would like to discuss that go directly towards –. Chairman Hair asked, and those issues won't wait until August, until the August board meeting? Is there something urgent? Commissioner McMasters said, well, I understand there's \$10 million in Federal money waiting in the wings that has a clock running relative to finding a new transfer site, and I'm not impressed with what is being discussed in the press about –, and I readily admit that I'm not a site planner, but I live downtown and spend enough time downtown that this new site that they're suggesting, which is the only site they seem to want to suggest –. If they were here and we were having a meeting we could discuss it, but they're not here, so too and also, Dr. Hair, at the last meeting of the CAT Board I asked Mr. Lansing about the old DFCS building on the edge of Forsyth Park as a possible site. I asked him if he had ever considered it and he said no. Many citizens have contacted me, many citizens have written to the paper

suggesting that this seems to be a preferred site. I further asked Mr. Lansing if he would consider this site and he said no. So I'd like to make a motion that we send a recommendation as the Board to CAT that they come back to the regular schedule to discuss the new site search and that they specifically are urged to consider the DFCS building so that we can evaluate some tangible report of whether or not it's a feasible site because I think it's reasonable.

Chairman Hair said, the --, as I understand it, and that's a fine motion if the Board wants to pass that, that's no problem, the 106 process, which if you --, all of you got copies of letters from the Feds that the FTA reopened the 106 process as a result of inquiries from Elbert Square Alliance, as well as the folks in Atlanta. The 106 process, as I understand it, has been reopened, the FTA has reopened it, and that you have to identify which site you want to do the 106 process on. In other words, the FTA is not coming here and do 106 on everything. You've got to tell them which site. Commissioner McMasters said, well, they're going to accept only one at a time. Chairman Hair said, as I understand it and to the best of my knowledge, that the current 106 process is considering three sites, the old site, the original site, the site that Elbert Square alliance wanted to be considered which is the Howard Johnson's off of Fahm Street and Oglethorpe, and the Courthouse site on Broughton Street. Those are --, my understanding those are the three sites. Commissioner McMasters said, well, my understanding is we've pretty much abandoned the Elbert Square site, so that opens up a third site, and I think from public input and obvious logic that we should instruct the CAT Board and organization to do a reasonable examination and the feasibility of locating their center, our center, at the DFCS Building between Whitaker and Drayton and Henry Street. Chairman Hair asked, well, are you --, is the motion to consider it in terms of the 106 process or are --, because it would have to be done under the law. Commissioner McMasters said, yes, if that's necessary. I appreciate your advice. Chairman Hair asked, you want to add that to the 106 process? Commissioner McMasters said, yes. Chairman Hair said, then that would be an appropriate motion, I think. They could just add --, I would assume they could add that. We could get Mr. Lansing --.

Commissioner Kicklighter asked, can I please --? Chairman Hair said, certainly. Commissioner Kicklighter said, I'm wondering, Mr. Attorney, does Scott Lansing have the authority to call off a board meeting? That should be a board decision --. Chairman Hair said, it wouldn't be this attorney --, it wouldn't be his decision. He's not the CAT Board attorney. Commissioner Kicklighter said, I'm not --, I'm asking a legal opinion, sir, with all due respect. Does a board --, employee of a board of directors have the right and the legal authority to call off a meeting because I know Mr. Abolt would not have that ability to call off a Commission meeting? County Attorney Hart said, I'm not familiar enough with their creation document to answer that definitively. I do know that in the past there have been times when they just haven't had CAT meetings on agenda items. Perhaps what needs to be done is some procedure be put in place that if we're not going to have a regularly scheduled CAT meeting that there's some way to trigger it so that the Commission is informed to say yes we do want to have a CAT meeting or we don't want to have a CAT meeting. Commissioner Kicklighter said, right. Well --.

Chairman Hair asked, can I answer your question, Commissioner Kicklighter? Commissioner Kicklighter said, yes. Chairman Hair said, first of all, Mr. Lansing under the --, the six years that I've been in office --, I also serve as the Chairman of the CAT Board --. Commissioner Kicklighter said, right. Chairman Hair said, and Mr Butler's always advised me that the way it works is Mr. Lansing calls me and says we don't have any agenda items and therefore I would recommend that we not --, and then I don't call the meeting. Under the law I can call the meeting or cancel a meeting. That's according to Mr. Butler's interpretation of the law. So Mr. Lansing didn't call the meeting off. He called me, as he's done two or three times a year for six years, he's called me and said we don't have any items on the agenda and therefore I recommend we not call a meeting, so I didn't call the meeting. So, I mean, it's not Mr. Lansing. If you want to yell at somebody, yell at me, but I was doing what I've done two or three times a year for six years. And if the CAT Board no longer wants me to have the authority not to have a meeting, then the CAT Board can come back and change that rule and take that authority away from me. That's fine, but Mr. Lansing did not call the meeting off. Okay? And we followed the same process we've been following for six years. Commissioner Kicklighter said, let me --, let me ask you this. Never mind. I'll ask you this privately. Chairman Hair said, okay.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, my concern is at our last meeting we did a resolution to send to the CAT Board requesting that they abandon the present location and that we look at alternative sites. At that time I did not have a good feeling that Mr. Lansing was interested in looking at any other sites and up until the mid or early part of this week they weren't looking at other sites, and then all of a sudden they decided they look at some other sites and we see in the morning news, front page today, that there's not other sites, there's one site and that is a County-owned parking garage. Now I don't think we, as a Commission, want to get into telling our employees that we're going to take that parking garage away from them and we aren't going to allow parking there any more and we're going to build a CAT transfer center. So I think we've got some serious problems with this site already before we even get off the ground. I don't know who was in the meetings, I don't know who made that decision, but I have a hard time and I will have a hard time voting for this Commission to transfer ownership of that property over to them. When we talk about looking at alternative sites, we're talking about sites. That's plural, not singular. And I think we need to look at it.

Chairman Hair said, Dr. Thomas and then Commissioner Odell.

Commissioner Thomas said, thank you, Mr. Chairman. I've almost forgotten what I wanted to ask. There were several statements made by Mr. McMasters, Commissioner McMasters. Did I hear you, and if I heard you incorrectly, please correct me. Commissioner McMasters said, yes, ma'am. Did you say that there was a public hearing at some point and that most of the constituents were interested in another site that you alluded to --? Commissioner McMasters said,

no, ma'am. Commissioner Thomas said, and, if so, I wasn't aware of it and most of my people that I represent was not aware of it. Commissioner McMasters said, no, ma'am, I did not say that there was a public meeting. Merely what I have heard independently and what I have read in the paper and since I live downtown and am constantly out and about, it is a current topic. So the meeting that I referred to was the last CAT board meeting where I specifically asked Mr. Lansing about the DFCS property as to feasibility and he flatly refused to entertain the idea of looking at it as a possible site, yet he had also admitted that he never had any basis to rule it out. So my motion here really is just to request, with all due respect, that the CAT people take a good look and let us know if that building is feasible and, if not, why not so that we might for the citizens of Chatham County come to what will be determined the best possible venue. Commissioner Thomas said, okay. All right, well –.

Chairman Hair asked, can I ask a question on your motion, Commissioner McMasters? Commissioner McMasters said, yes, sir. Chairman Hair said, so that I can vote intelligently on it. I would only request that –, I don't have any problem with your motion and I can vote for your motion, but what I'm saying is let's do this one time. If –, I'd hate to vote on this motion today to add this site to the 106 process and then come back a month later and some other Commissioner wants to add another site to his, and then some other Commissioner wants to add another site six months from now. At some point we've got to pull the trigger on this thing, and I would hope that if any other Commissioner has any other site that they want to be considered, they would add it to Commissioner McMasters's motion. I'm sure he'd allow that. But we don't need to have, you know, a site here and a site added two weeks from now and another site added two weeks from now because this thing could be just drawn out forever.

Commissioner Thomas said, well, I'd like to say –, I'd like to say, I'd just like to say to even to do that today –, I was looking since the original site was in the Eighth District, and I certainly have been, you know, really working very hard trying to come up with something as a recommendation, and I was hoping to have that opportunity, but I'm not prepared to tell you that today. Chairman Hair said, right. Commissioner McMasters said, we need to restrict what may become –. Commissioner Thomas said, I'm not prepared to hook onto the motion today. Commissioner McMasters said, – what may become a possible venue due to change of circumstances, why should we restrict ourselves to trying to improve this process as we move forward. Chairman Hair said, then in that case, I'll vote against the motion today. And I'm going to say the reason I'm voting against it, I think we –.

Commissioner Kicklighter said, and I believe what the Chairman is saying is the process is very stringent as far as the research going on. We should probably find ourselves the spot we believe would be the best spot and then ask them to do that, you know, process on it because we can't go through that stringent process on 25 pieces of land is what he's saying, I think.

Commissioner McMasters said, well, I'd be willing to accept an informal analysis by either staff or CAT, a preliminary analysis –. Chairman Hair said, that's a different thing. That's not adding it to the 106 process. If you would ask the staff to do that, I think that would be probably a better motion, and then if the staff found some reason it wasn't, then we wouldn't add it to the 106. I think that would be a probably better motion.

Commissioner Murray asked, who is actually on the search committee to look at a piece of property? Chairman Hair said, I'm not aware of a search committee. Commissioner Murray asked, who is going to determine which property is the property they want to go on? I mean, who is making those decisions right now? Chairman Hair said, there have been numerous public hearings on site selection. Public hearings, and I've been to two or three of them myself. Mr. Lansing, as the Director, has been leading the effort, but there has been a lot of –, there's also –, Mr. Lansing probably has had 50 meetings, and I'm not exaggerating, with all constituents. I've personally met with Elbert Square Alliance about 10 or 12 times myself on site selection. So I think there's a whole lot of people out there that has suggested numerous sites to the CAT Board, but I think Mr. Lansing is leading the effort. I'm not aware of a committee. Commissioner Murray said, the reason I asked that, and the article I read in the paper, I guess it was Wednesday, was it Wednesday's paper? It may have been yesterday, where it first came out that they were searching or they were in agreement to look for other sites. It said that they would take the input of any citizen and any group that wanted to come up and help with that process. I don't think this had any of those groups involved in it.

Commissioner McMasters asked, Dr. Hair, was this new –, the County garage part of the earlier discussions that you attended? Chairman Hair said, the first –. No. The first time I was in a meeting on –, Mr. Lansing made me aware of that with their consideration a couple of weeks ago. I don't remember exactly the date. Commissioner McMasters asked, did he get public input on –? Chairman Hair said, I don't know. I can't speak for him. I don't know.

Commissioner Thomas said, I would suggest then, you know, that we get public opinion that is needed so badly and just make that announcement so that everybody's aware of the fact that you have an opportunity now if you have something that you would like to suggest to go ahead and do that, you know, immediately so that everybody will have an opportunity who want to have input and not after the fact. And then the last time I want to say is the fact that about the funding. I certainly hope that we don't fool around and lose the funding because it was four of us, there were only four of us that went to Washington, DC, and actually lobbied, I mean, just consistently, for those funds, and it didn't –, we didn't come by those funds easily. So I would not be willing to give up the funds at this time knowing what we went through to get it.

Chairman Hair said, Commissioner Odell and then Mr. Earls.

Commissioner Odell said, just a point of clarification. Can anyone tell me when the next scheduled CAT board meeting is? Commissioner Murray said, first meeting in August right now. Commissioner Odell asked, first meeting in August? John [McMasters], would that time period be sufficient for you? Commissioner McMasters asked, to do –? Commissioner Odell said, to bring and to ask questions, bring back the new transfer center, and questions as to public hearings. Any questions that you might have. If you could do that in August, would that be –? Commissioner McMasters said, Harris [Odell], that would be acceptable, but honestly CAT seems to have their own agenda and they're marching through, although they're not holding meetings, they're moving forward without public input, without Commission exchange, and that concerns me. If they'll stand down, and we have no way of knowing since they're not holding their meetings, I could wait, but they're not waiting, Harris [Odell]. Commissioner Odell said, I think –, my concern is that I'm not certain that we have limited the sites that we have ruled be considered. I hope that we have. Commissioner McMasters said, my concern, Harris [Odell], is that you have to be limiting the sites. Commissioner Odell said, CAT works for us. I mean, this is not we're asking CAT to do something. We have the authorization to tell them what to do. Commissioner McMasters said, okay. Commissioner Odell said, okay. And I think as a board we can say that we would like to have further input as to the site, and I think we can get a general consensus to that. Commissioner McMasters said, oh, I'm with you. Commissioner Odell said, and I think that we also should communicate to CAT that before that there are any press conference regarding what's in the paper, that we have information beforehand just as Board members so that if a constituent walks up and someone says, "I hear the County Commission is going to sell the new garage and have the CAT transfer station down there," that Frank [Murray] won't get angry at them. Commissioner Thomas said, Commissioner Odell, you are right on target, and I think that's the thing to be done. Commissioner Odell said, so what I recommend that we do is, in the essence of time, is convey to Scott Lansing from this Board a letter to be drafted over the Chairman's signature that says that there are concerns regarding the site location and that we'd like to have input as to site location and we'd like to have a scheduled CAT meeting at the next meeting so that, even if there are no agenda items from Scott Lansing, Scott knows that we have agenda items. Commissioner McMasters asked, is that a motion? Commissioner Odell said, I'll do it any way you want to do it. Commissioner McMasters said, okay, do it.

Chairman Hair said, I don't know that you need a motion, but if you want to, you can. Chairman Hair recognized Commissioner Kicklighter. Commissioner Kicklighter said, I just want to –. Chairman Hair said, I've not forgotten you, Mr. Earls.

Commissioner Kicklighter said, I just want to agree with Commissioner Odell and just say that I guess my main problem is I agree we are supposed to direct the Chatham Area Transit Authority, but right now we're being directed by the Director with no input, and we as a Commission would not tolerate the County Manager going out and doing press conferences, throwing things out there that we've never even heard or dreamed of, and that's what's happening with the Transit Authority right now. I mean, we're being told what we're looking at, when we're the ones with the authority over the situation, and, you know, it just bothers me that we're in the position we've been elected and entrusted by the people to do the right thing with the Transit Authority, yet we're allowing a Director to direct the Board rather than us giving him the [inaudible].

Chairman Hair said, I'm going to recognize Mr. Earls in a minute, but I think that this discussion is a good discussion, but I think we need to discontinue it until the CAT meeting when our full CAT Board is here. We're sitting here acting like we're the CAT Board and we're not the CAT Board. We have –, I think we're being disrespectful to the other CAT Board members, and this discussion is a very honest discussion and it needs to be held, but this is not a CAT Board meeting, this is a County Commission meeting, and I think this kind of discussion needs to take place at our August meeting. Okay? And when we have all of the CAT Board members here and we have the CAT Board attorney here and we have the CAT Director here who can answer questions. None of those are here today, and I just think this is a nice discussion, but it doesn't accomplish much. It will accomplish a whole lot more if we did it at a CAT Board meeting.

Commissioner Murray said, well, I think the consensus of the Commission right now, if I'm hearing correctly, is that we have it at our second meeting in July, a called meeting with the CAT Board. Chairman Hair said, that's fine and I will –, you know, I will do that. That's not a problem.

Commissioner Odell said, and in addition to that, that we receive notices in advance of those becoming public like the designation of the Courthouse parking garage. It would be nice for us to know that prior to picking up the morning paper.

Commissioner McMasters said, I think we've been left out of the loop, Billy [Hair], and procedurally that's kind of rude when we're asking, we'll go ahead and set up another CAT meeting. In the meantime, let's follow some protocol. Commissioner Murray said, well, we control that budget, we control whether we do [inaudible] or not, so –.

Chairman Hair recognized Mr. Ken Earls.

Mr. Earls said, my name is Ken Earls. Actually, some of my questions have been answered, but I want to clarify if there is a motion actually, or do you all have the authority –, who's the motion going to? The staff or the CAT Board? And does this –, does the County Commission have the authority to go directly to the staff and tell them what they do or do you have to go through the CAT Board? Chairman Hair said, the law is –, in that respect the law is similar to the Commission. The law allows the Chairman to call a special meeting or a majority of the members can call a special meeting. Okay? In this case, I am authorized under the law to call a special meeting the second meeting in July. Mr. Earls said, that's not what I'm asking actually. Chairman Hair said, okay, I'm sorry. Mr. Earls said, on the motion –,

there is a motion, correct? Commissioner McMasters said, it was not seconded. The Clerk said, there was no second. Chairman Hair said, it was not seconded. Mr. Earls said, oh, I thought it was seconded. Chairman Hair said, it was not seconded, okay. There is no motion on the floor. Mr. Earls said, okay. You said a majority of –, okay, this kind of goes into my second question then. You said a majority of the CAT Board members could request a meeting being held. Chairman Hair said, that is correct. Mr. Earls asked, with what sort of notice? Chairman Hair said, the –, I'm not really sure of the votes, I think it's three and eight, but I'm not sure. Mr. Earls said, okay, because I was just getting ready to say, hey, three-fourths of the Commission –, three-fourths of the Board is here right now. Chairman Hair said, well, this is not a CAT Board meeting though. Mr. Earls said, but I'm saying you could call –. Three-fourths of the Board members are here now if you wanted to call –. Chairman Hair said, we wouldn't –, no, sir, we can't –. We don't meet the prior notice of meeting, sir. Mr. Earls said, okay, that's what I was asking about. Okay.

Chairman Hair said, thank you. All right, let's move on. Commissioner Murray asked, are we going to have a called CAT Board meeting at the last –. Chairman Hair said, yes, I'll call a meeting. Commissioner Murray said, meeting in July. Chairman Hair said, I'll call a meeting. I'll call a special meeting in July.

ACTION OF THE BOARD:

At the request of the majority of the Board members, Chairman Hair agreed to call a special meeting of the CAT Board to be held at the last meeting of the County Commission in July.

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6. EXISTING DEPARTMENT VACANCIES (COMMISSIONER MCMASTERS).

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, in trying to put together a budget outline, a rough budget outline, one of the things that came to light is the speed with which departments fill vacancies after last year's handling of the budget. That is, after the 11% across-the-board cuts, the Commission at that time gave department heads the authority to –, with great diligence and caution, go ahead and fill vacancies. So we've since that time filled about two-thirds of our vacancies, and there's about a third left. And as we move through this budget, I would like to make a motion that until this budget is adopted that we freeze all hiring. Commissioner Rayno said, second. Chairman Hair asked, could I ask a question? Does your motion include all positions? Police –. Commissioner McMasters said, just until the budget is adopted.

Commissioner Thomas asked, emergencies –, what about emergencies? Commissioner McMasters said, if there's an emergency situation, ma'am, if they wanted to bring that as an exception, we would certainly entertain that.

Chairman Hair recognized Chief Thomas Sprague.

Chief Sprague asked, may I say just a few words on that? I know that's not a long time, but our recruiting procedures, we have people in process now to fill those vacancies and get them into the police rookie school so we can get them on line. We have problems with that, sir.

Commissioner McMasters said, let me modify this –. Chairman Hair said, all they're going to do is fill a vacancy and we're still going to have to do it. Okay, let's –. Do you want to modify your motion? Commissioner McMasters said, if it will sit better I would happily modify my motion to exclude law enforcement so that we can move forward. Unless we can get a consensus going that we need to freeze all, but I think we need to hold the fort until this budget is done. Can we get any cooperation?

Sheriff Al St. Lawrence said, I can live with the civilian positions –. Commissioner McMasters said, yes, sir. Sheriff St. Lawrence said, but as Chief Sprague's pointed out, it's a lengthy process. We're interviewing now. We'll –, you know, and they may not come on for a month, they may come on two weeks from now. The civilian positions I can live with from a budget –. Commissioner McMasters said, okay. You're working with us, that's great.

Chairman Hair recognized Tax Commissioner Danny Powers.

Tax Commissioner Powers said, I've got several that I'm working on right now, and I can't –. I've had a chief deputy retire, a supervisor retire. I've already interviewed. We're moving people up, and I'm just in a jam. I went –. Commissioner Kicklighter said, John [McMasters], he recently had two of his top –, I mean, like within –. Tax Commissioner Powers said, not only that, last year when you did the 11½% on us, I went several months without hiring anybody. I've done an excellent job on my budget. I'm not playing this game.

Commissioner McMasters said, that means you're not going to cooperate with us. Is that correct? Tax Commissioner Powers said, I have cooperated, Mr. McMasters. If you want to come look at my budget, I'll show it to you. Commissioner McMasters said, we will be looking at your budget, sir. Tax Commissioner Powers said, good.

Chairman Hair said, let's have civility here.

Mr. Joseph Vestal said, we've already shortages all year. We've had --, that's the reason why we returned quite a bit of money from our budget. We're trying to recruit people right now for appraiser jobs. We've had some people leave in the last few weeks, so recruiting appraisers is kind of hard sometimes.

Commissioner McMasters said, thank you, Mr. Vestal. I'll modify my motion that we have a hiring freeze until the budget is adopted for all personnel with the exception of sworn police officers that may be in the process. Commissioner Murray asked, would you add that if somebody feels that --. Commissioner McMasters said, yes. Commissioner Murray said, -- they can come before the Commission. Commissioner McMasters said, an extreme emergency and they wish to come before this Commission.

Chairman Hair asked, do you accept the modification as the second? Commissioner Rayno said, yes, I withdraw the first motion and accept the modification as the second. Chairman Hair said, okay. All those in favor of the motion vote yes, opposed vote no. Commissioners Rayno, McMasters, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioner Odell voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner McMasters moved that the Board approve a hiring freeze until the FY 2002-2003 budget is adopted for all personnel with the exception of sworn police officers that may be in the process, and any other emergency positions may come before the Commission to seek approval. Commissioner Rayno seconded the motion. Commissioners Rayno, McMasters, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioner Odell voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Rivers was not present.]

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7. RICE MILL PLANTATION, PHASE 6E (COMMISSIONER GELLATLY).

Commissioner Gellatly said, Mr. Friedman, you can go ahead explain the circumstances to the Commission, if you would.

Mr. Ernie Friedman said, yes, thank you, Commissioner Gellatly. My name's Ernie Friedman and I'm here and appreciate the opportunity of being on your agenda to request that at this meeting if you all would accept the residential single-family subdivision known as Rice Mill, Phase 6E, which is located in Georgetown, so that the period for the maintenance requirements can commence. Let me very briefly give you the background. Some time back in May, May or June, I'm not sure, we had reached a stage of development of that subdivision where we were prepared to actually convey lots to builders, but all of the development wasn't finished, and so working with Mr. Grevemberg in the County Engineers office and our engineer, we determined that we needed to post a cash bond to cover the cost of the remaining improvements of \$125,000 in order to proceed to recording the subdivision map and make sales, and we did this. Subsequently when we thought the subdivision was in fact concluded, we made the regular request for a County inspection and Mr. Peters, Construction Inspector, came out to the subdivision, made an inspection, issued a punch-list item dated May 1st of 2002, which listed the things that needed to be fixed before there could be an acceptance of the subdivision. These items were addressed and on June 10th --, or June 6th another inspection was made and on June 10th Mr. Peters wrote a letter to the developer's engineer, Saussy Engineering, saying that after inspecting the items to be taken care, I found only one item that still needs to be addressed and it's a water valve, a minor matter, that needed to be fixed and subsequently it was fixed. And so we were preparing to get ourselves on your agenda for this purpose that we're here today. We filed the necessary documentation with the County Engineer's office, including the maintenance bond requirements, all the documents are otherwise done, and we were getting ready to get on your agenda when along came the rains. We had two or three days of very heavy rain that washed out some of the newly-planted grass and so we got off your agenda because now there was more repair work to be done. So we went out and that repair work was done and then some more rain came. So in the meantime you were holding \$125,000 of our cash and you were also holding the maintenance bond. So the purpose of this today is, and we've been back out there fixing the work as a result of the rains, but we might get --, find ourselves in a position where between now and your next meeting we do get finished, but before your next meeting along comes some more rain and we continue to have this problem. So in discussing with Mr. Grevemberg sort of a solution, we are here to ask today that you do approve accepting the subdivision, that the maintenance bond begin to run, allow the County Engineer to refund our \$125,000 in cash, and --, conditioned upon the County Engineer satisfying himself by inspection that the subdivision is in the kind of shape it needs to be in to be finished. And I believe, having discussed this matter preliminarily with the County Engineer, that that process is acceptable. I think the County Engineer --.

Chairman Hair asked, Mr. Bungard, do you agree with that statement? County Engineer Al Bungard said, yes. Chairman Hair said, okay. I think this is sort of --, I think it's a very fair request. Commissioner Gellatly, do you want to make a motion?

Commissioner Gellatly said, yeah, I'd like to make a motion that we go ahead and approve this request. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote

no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes. Mr. Friedman said, thank you very much. Chairman Hair said, thank you, Mr. Friedman.

ACTION OF THE BOARD:

Commissioner Gellatly moved to approve the request of Ernie Friedman, Owner, of Rice Mill Plantation, Phase 6E, that the County accept the construction of improvements, that the maintenance bond begin to run, and release the \$125,000 cash bond. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rayno, McMasters, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Murray voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Rivers and Kicklighter were not present.]

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VIII. TABLED/POSTPONED ITEMS

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

- * 1. **NOTE: AT MEETING OF JUNE 28, 2002, MOTION TO DENY WAS APPROVED. RECONSIDERATION WAS REQUESTED BY COMMISSIONER MURRAY TO BE CONSIDERED ON JULY 12, 2002.**

C. Office furniture for new Mosquito Control Facility	Mosquito Control	VIP Office Systems, Inc. (FBE)	\$56,188.71	Receivables - Mosquito Control facility (to be reimbursed by the Savannah Airport Commission)
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Chairman Hair said, I need a motion to take it off the floor [sic]. Commissioner Kicklighter said, I make a motion to take it off the floor. Chairman Hair asked, second? Commissioner Rayno said, second. Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, Commissioner Murray, you were the one that asked it to be considered. I'll call on you first.

Commissioner Murray said, yes, and I remember all the discussion and I know the reasons that some of my fellow Commissioners did not support this particular expenditure. However, we have put money into this facility. They need to be able to go operate that facility, and I think they need the equipment to operate it with. And I know that some of the equipment, some of the tables and desks and chairs could probably be moved over and utilized, but I just feel like we need to go ahead and complete this project. We agreed to do it, we need to complete it, and let them get in it and do it now. With all this rain we've had and everything going on, I don't know how many of y'all realize what kind of function these people serve the citizens of Chatham County, but when they start with their mosquito spraying and when we've got mosquitos coming out like we do now because of the rain and everything else, and I don't know how many of y'all get calls and everything inside of the city limits, because those of us that represent large portions of the unincorporated area certainly get calls on a regular basis about it. So I would move that we approve this.

Chairman Hair asked, do I have a second? Commissioner Thomas said, second. Chairman Hair said, Commissioner Kicklighter has a question and then we're ready to vote.

Commissioner Kicklighter said, yes, sir. I just wanted the record to show that this is not a vote for mosquito spray or any -. Commissioner Murray said, oh, I understand that. Commissioner Kicklighter said, - chemicals or anything. This is for office furniture for the new Mosquito Control facility in the amount of \$56,188. Commissioner Murray said, that's right. Commissioner Kicklighter said, it has nothing to do with fighting -, fighting the mosquitos. It's got to do with comfort, and they have furniture presently in their current location. This \$56,000 can be utilized to offset the 150-something thousand dollars approved earlier for the Board of Elections to renovate that facility. So I urge my fellow Commissioners to deny this request.

Chairman Hair said, okay, all those in favor of the motion vote yes, opposed vote no. Commissioner Murray asked, did you want to say something? Commissioner McMasters said, I did want to say something. Chairman Hair said, oh, I'm sorry. Commissioner McMasters asked, may I? Chairman Hair said, certainly.

Commissioner McMasters asked, Frank [Murray], would you be willing to, in the spirit of compromise here, to -, can you reduce this, cut it in half so that they can get some new furniture and -? Chairman Hair said, you know, Commissioner McMasters, we can, but I don't think we're experts on knowing what furniture Dr. Lewandowski needs. I think that's micro-managing. I don't think that that's our job. We're a policy decision -, either we approve it up or down, vote for it, vote against it, but I think that staff needs to make those kind of decisions.

Commissioner Murray said, let me ask a question. Russ [Abolt], how much of this is furniture and how much of it is equipment in that building? Is somebody here that can answer that question? County Manager Abolt I'd have to ask

Dr. Lewandowski. It is a mix, as you correctly identified. It's furniture and –. Commissioner Murray said, it's more than just furniture. County Manager Abolt said, yes, it's furniture and fixtures. Commissioner Murray said, well, he's here, yeah. County Manager Abolt said, Henry [Lewandowski] is here. We allowed him to come in and not kill mosquitos for the time he's in the room. I would –, I would like to say, if you will permit me, Dr. Thomas and gentlemen, while Dr. Lewandowski's here, you all know the challenges we've had as a result of the low ceiling, a lot of rain and not an opportunity to get our aircraft up, and the Chairman certainly understands this because he lives it, but Dr. Lewandowski, in spite of all that, and his crews have done a masterful job of doing what they can, given the limitations of Mother Nature.

Chairman Hair said, but before he –, I'd like to add to that. My office is right next door to this facility and I ride by it nine times a day, and our pilots have done a magnificent job. I was at my office for the last two weekends on Saturday and Sunday, in the morning and the afternoon, and the pilots were out there flying between thunderstorms trying to do the very best they can, and we've got two outstanding pilots and they deserve a tremendous amount of credit. They work day and night to try to do the best job they could. Dr. Lewandowski, if you'd answer the question.

Commissioner Murray asked, can you give me just a rough breakdown of what this \$56,000 would purchase? Dr. Lewandowski said, yes, sir. This is totally furniture in this particular instance. Commissioner Murray said, oh, it's totally furniture. Dr. Lewandowski said, yes, sir. Commissioner Murray said, okay. Chairman Hair said, okay. Commissioner Murray asked, is this –, any of this furniture that you could purchase now and then purchase some later and utilize some of what you have presently, if necessary? Dr. Lewandowski said, I suppose. This furniture is old. It's for the administrative building. We have purchased no furniture for any of the shops. Our intention was to use the old furniture from the old facility –. Commissioner Murray asked, for the shops? Dr. Lewandowski said, for the shops. Commissioner Murray said, well, that would even make it more important to go ahead and purchase furniture, I would think.

Commissioner Odell said, let me ask one –. Chairman Hair recognized Commissioner Odell. Commissioner Odell said, \$56,000 just for furniture. There are no fixtures involved here? Are we just talking desks and chairs? Dr. Lewandowski said, yes, sir. This is furniture for 16 individuals plus a large conference room, a small conference room and a lunch room and reception area furniture. Commissioner Odell said, okay, point of clarification. Those people sit at some desks now, is that true? Dr. Lewandowski said, yes, sir. Commissioner Odell said, and –. Thank you.

Chairman Hair said, okay, all those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Murray and Thomas voted in favor of the motion. Commissioners Rayno, McMasters, Odell, Gellatly and Kicklighter voted in opposition. The motion failed by a vote of five to three. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion fails.

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Chairman Hair said, Mr. Hart, Commissioner Odell voted on the prevailing side of the previous motion. We have not taken a new motion. He wants to ask –, enter to ask for reconsideration at the next meeting. That could be allowed because we've not taken another motion. Is that correct? Commissioner Rayno said, it's been reconsidered once already. Chairman Hair said, it can be reconsidered –, there's no limit to reconsideration. County Attorney Hart said, well, we usually take reconsideration one time. Chairman Hair said, okay.

Commissioner Odell said, usual has nothing to do with what we can do. You know, we usually are civil, but we're not. My question is whether or not I can have the item reconsidered, and the issue is whether or not there's a legal prohibition that would preclude me from doing that, and the answer is there is not. There is no precedent that would say that I could not do that, and we do not have a policy on that. Custom is not policy. County Attorney Hart said, your custom has been to reconsider and table the motion and bring it up at the next meeting and then reconsider –.

Chairman Hair asked, is there any law provision that would prevent a second reconsideration? County Attorney Hart said, there's not a statute on that –. Chairman Hair said, okay. County Attorney Hart said, and there is –, there's not a specific Robert's Rules issue on that. Chairman Hair said, so then it would be a legal –, it would be a legal reconsideration. Commissioner Odell said, absolutely.

Commissioner Rayno said, I would like for you to double check on Robert's Rules of Order.

Chairman Hair said, okay, Madam Clerk, enter that as a reconsideration for the next meeting. You can now continue, Commissioner Murray.

Commissioner Murray said, well, just while we're on that subject, while we're doing that, can we ask Mosquito Control to go back and reevaluate that cost and see if they can't –?

County Attorney Hart said, I'll be happy to research that issue and make a ruling on whether that's a proper –, that second notice of reconsideration, but right here on the spot I'm not –. Commissioner McMasters said, you could essentially –. County Attorney Hart said, you could keep this on forever. Commissioner McMasters said, you could go forever. Chairman Hair said, sure you can.

Commissioner Rayno said, if you do this [inaudible] and I'll reconsider [unintelligible comments when several Commissioners began speaking at the same time.] Chairman Hair said, you do it all the time, Jeff [Rayno]. You should be proud of this reconsideration.

ACTION OF THE BOARD:

1. Commissioner Kicklighter moved to take this item from the table and place it before the Commissioners for consideration. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
2. Commissioner Murray moved to approve allocating \$56,188.71 for the purchase of office furniture for the new Mosquito Control facility. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Murray and Thomas voted in favor of the motion. Commissioners Rayno, McMasters, Odell, Gellatly and Kicklighter voted in opposition. The motion failed by a vote of five to three. [NOTE: Commissioner Rivers was not present.]

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*** 2. MODIFICATION TO ROLE OF ZONING BOARD OF APPEALS UNDER CURRENT ZONING ORDINANCE.**

Chairman Hair said, I'll entertain a motion to take it off the floor [sic]. Commissioner Rayno said, I make a motion to take it off the floor. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.]

Chairman Hair said, I was not at the last meeting when --, who needs to start this discussion because it was tabled by somebody? Who tabled it at the last meeting? Commissioner Kicklighter said, we tabled it because you wasn't here. County Attorney Hart said, they tabled it for you. Chairman Hair said, okay. Very good. I'll just give a philosophical opposition to this change, but I think it's a significant philosophical opposition. I think giving the power to the Zoning Board of Appeals that is in the current language is us giving up authority that the Commission has had and should continue to have in my opinion. What we're going to be doing is transferring authority from an elected body to an appointed body, and I think the Chatham County Commission, as an elected body, needs to have the final say-so, and I do not think we should be giving this authority up to an appointed board. We have had a lot of bad experiences with appointed boards in my six years in office, and I just think that we need to --, that this is a bad decision. We need to maintain the authority to approve final Board of Appeal issues and not give this up to an appointed board. And that's --, and I would vote against any change that would do that. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, I agree with you wholeheartedly. I believe currently we have a good system in place with the MPC. Several members on there are making tough decisions and then ultimately it would come back to us. This would go to fewer people making decisions, and I will make a motion at this time to keep it just like it is.

Chairman Hair said, okay. Second? Commissioner Thomas said, second. Chairman Hair said, Commissioner Murray and then we'll take a vote.

Commissioner Murray said, I don't --, I certainly don't have a problem keeping it like it is. But I'm just --, my question is, how many of these appeals actually get to the County Commission and what is the fee that somebody has to pay in order to appeal this? County Attorney Hart said, the fee is fairly substantial. I don't recall --, it's kind of a graduated type situation. I think it's almost \$1,000 to get to the Zoning Board of Appeals, especially in a commercial situation. I'm not sure that's true for a residential situation. The --. Commissioner Murray said, now the Zoning Board of Appeals is not the MPC. It's a board that would --, you would go to after --, appeal it after that. County Attorney Hart said, but the Zoning Board --. Commissioner Murray said, but it's not the board that sits up there. County Attorney Hart said, and the Zoning Board of --. You know, we've let --, this is really a policy decision that you folks need to make, but it has tremendous legal implications as to how we function. So I want to be very careful in what I say here because I don't want to try to make policy for this County, but currently we have a situation in which the zoning power rests with this Board here. We have a Planning Commissioner, the MPC, and we have a Zoning Administrator that interprets the ordinance and the MPC simply administers that ordinance. They cannot make up definitions and interpret it into themselves. The Zoning Board of Appeals has traditionally been that body you go to when you have a problem that you feel within the zoning act that needs relief because of some undue hardship that the MPC cannot provide you because it is not within the confines of what is written within the language of that act, and that is primarily focused on variances and things of that nature, hardships, nonconforming uses, and that is traditionally a system that you see in most zoning ordinances throughout most of the United States. The City of Savannah's is a little bit unique in that they have a large historic district that encompasses much of the City and that appeal process was put into that act and changed because of concerns about due process issues dealing with the Historic Review Board. But that is even a limited appeal to the Zoning Board of Appeals in that case. For example, you can't appeal compatibility issues like I think, you know, this looks better than this, and that type of a situation. What you --, what concern that I see with the situation is you can have two different administrative bodies reaching two different administrative conclusions with two sets of findings of facts that diametrically opposed to each other. And then if you get into a litigation situation, this body, who has the

responsibility for overseeing the zoning ordinances and the implementation of those ordinances, is starting out further back in the loop about where they're going to be when they go litigate that issue. And that's just the fundamental --, you get into forum shopping, I'm happy with the MPC so I want to be in the MPC, or I don't like the MPC, but I think I can do better before the Zoning Board of Appeals.

Chairman Hair asked, could I ask you a question? Commissioner Murray said, I'm not through yet. Is that --? Chairman Hair said, I've got a point of order question. It deals with the previous question.

[NOTE: At this point the discussion was had on the previous item on the agenda.]

Commissioner Murray said, I'm looking in the back of our agenda book under Appointments, and I don't see anything listed under the Zoning Board of Appeals. I do see Chatham County Building Code Board of Adjustments and Appeals, which is not the same board. County Attorney Hart said, correct. Commissioner Murray asked, do we have any expired terms that are sitting on that board right now? [Inaudible.] Commissioner Murray said, I don't see it listed. County Attorney Hart said, I'm not sure. I talked with Mr. Day that I do know is on the board and he didn't bring to my attention any. Commissioner Murray asked, well, how is that board appointed? Do we, as the Commission, appoint that board? County Attorney Hart said, yes. Commissioner McMasters said, yes, we do. That's what Mr. Day told me. Commissioner Murray said, all right. Once somebody disagrees with MPC and goes to that Zoning Board of Appeals and they rule against them, what happens? Commissioner McMasters said, Superior Court. County Attorney Hart said, well --, under the current system? Commissioner Murray said, yes. County Attorney Hart said, okay. First of all, if you were dissatisfied with a decision of the MPC that deals with the zoning ordinance and the administration of that zoning ordinance, your relief from the MPC is either twofold. If there is a unique finding of the property, which the property owner could ask at that time, it could come before this Board for reconsideration as to that site plan due to the unique terms. We recently had one out there involving Mr. Friedman's property, as you recall. Commissioner Murray said, oh, yes. County Attorney Hart said, if that is not asked, if it's what I call a vanilla site plan where they administer the act and there's nothing unique about the policy and the statute has --, the zoning ordinance has four or five little items you have to checkmark to make that finding, and the MPC full board can make that finding and, "We want to send it over here," or in the past this Commission has passed resolutions requesting that that property be reconsidered over here. If that avenue is not available to either side, then the appeal would be directly into the Superior Court. Now, under the current situation, if you have a site plan from which you are asking for a variance of some kind that doesn't meet the act, and the MPC either does not grant the variance or says we don't have the power to grant that variance, and if you feel compelled that you have to --, you are under an undue hardship type situation, you can go before the Zoning Board of Appeals and within the confines and the specific --, I think there's four or five factors they have to consider --, they may grant that variance within certain specific limitations. Primarily those variances and setbacks generally and nonconforming uses are the two primary goals, but they have a limited review of jurisdiction, and they have to make some very particular findings to grant the variance. And that's the way the current system works. The Zoning Administrator --, if the MPC has a question about what something means in the zoning act, you know, what does this mean, parking space means what, it's not clearly defined for us, they will go to the Zoning Administrator and ask for a Zoning Administrator's interpretation as to what that act means. The Zoning Administrator will give you an opinion as to what that means and then the MPC will take that definition and apply it to whatever issue they have pending before it. Commissioner Murray said, so in other words, we really have no authority in the present setup over the Zoning Board of Appeals. If someone goes to them, they can't then come to us and have us change that? County Attorney Hart said, I don't believe there's an appeal from the Zoning Board of Appeals back to this Board. I'd have to look at that, Commissioner Murray. I'm just not --, it's so unique, I just don't know whether there's a provision --. Commissioner Murray asked, so what kind of authority are we sitting here talking about giving up? Commissioner McMasters said, [inaudible].

Chairman Hair said, because we rule before it goes to the Zoning Board of Appeals, and we make in many of the cases, and the County Attorney was delineating the different kinds of decisions you would make, whether it be a definition decision or a site plan decision. You know, I could ask the same question, Commissioner McMasters, but it doesn't make any difference than why do we want to change it. Why do we want to change it if it doesn't make any difference? Commissioner McMasters asked, is it my turn? I'll tell you why. Chairman Hair said, okay. Commissioner Murray said, I'll go ahead and yield. Chairman Hair said, okay, Commissioner McMasters.

Commissioner McMasters said, Steve Day, who this Board appointed to the County Zoning Board of Appeals, approached me. He's a constituent of mine, and he said that he had talked amongst his group and that they felt that they could perform better, exercise and protect taxpayers' rights by having the same authority that their counterpart in the City has, and I said I would look into why the inconsistency existed in authority. So I asked Mr. Hart to advise. He has advised. I don't --, I think the City of Savannah is not having immense the problems. I'd ask anybody to show me an example of where it's gone awry in the City in terms of due process for people that have a logical sequence of events to follow in their building processes. So we're not asking here for anything different than what's functioning very fluidly in adding an extra level of protection for the people that are doing projects in the City of Savannah out in the County. Chairman Hair asked, can I ask you a question? Commissioner McMasters said, please. Chairman Hair asked, then what power would they have if this change is made that they don't currently have? Commissioner McMasters said, well, when a taxpayer is unhappy with a decision of the MPC, he can appeal to the County Zoning Board of Appeals and if we gave them the power to override the MPC, as the City of Savannah gives their Zoning Board of Appeals, they would have something new, Billy [Hair], that they currently don't have. Chairman Hair said, so they make --, they would become the final arbiter. Commissioner McMasters said, no, the Superior Court is the final arbiter --. Chairman Hair said, well --. Commissioner McMasters said, -- just as if --, in tax appeals if we're not happy with the BOE decision, we can go

to the Superior Court just as easily as the taxpayer can. Chairman Hair said, but this would give them the right to override a decision made by this body. Commissioner McMasters said, by the MPC. Chairman Hair said, well, the MPC. I don't know --, why do we have the MPC if they're going to have the right --, why don't they go to the Superior Court? Commissioner McMasters said, well, because no process is perfect and the more layers of protection that an individual has, I think, is an enhancement. It's functioning well on the City of Savannah side. We've created this board, you've put trust in this board, and this board is essentially pointing this inconsistency out and asking for us to address it. I think that's the right thing to do. Chairman Hair said, but see, I think you're adding a layer for the citizens. Now you're --, they've got another layer they've got to go through so you're actually making it more difficult. Commissioner McMasters said, but I think the more rights you give a citizen, if they want to avail themselves of it, that's an advantage. To restrict that is a disadvantage and I don't think we're in a position here to be restricting people's right.

Chairman Hair said, Commissioner Kicklighter has a question, I think.

Commissioner Kicklighter said, I have a comment and, you know, I'm --, always campaign things, you know, you don't have to keep something the same just because it's always been that way, but, you know, this --, what this would do is basically the MPC right now they have a huge staff, researchers, planners, developers. They really know how to do their job and they do it well, and it would take this large body of people, it would take their authority away from them and put it in a small little group of people with a small little staff that does not have the ability to produce the same type of work. Commissioner McMasters asked, well, Dean [Kicklighter], why do we call them the Board of Appeals? What would --? Commissioner Kicklighter said, but that's what you're doing in a sense. In a sense you're completely eliminating the MPC at that point. Commissioner McMasters said, [inaudible] inference that they're going to constantly reverse MPC decisions. Commissioner Kicklighter said, well, they would be able to. Commissioner McMasters said, right, but they're an appeal board, Dean [Kicklighter].

Chairman Hair said, we'll get to everybody. Chairman Hair recognized Mr. Timothy Mackey.

Mr. Mackey said, good morning, Board of Commissioners. To you, Mr. McMasters, this is the first time I've come before you as Commissioner. Congratulations on your election. I'm Timothy Mackey, a member of the MPC, and there's just a comments that I would like to make concerning the conversation that you are engaging in now. The first thing is the language in the ordinance as far as the City is concerned, that language really pertains to limited site plan reviews as it relates to the Historic Review Board. The other thing that I want to mention to you is changing this legislation or ordinance as it is now, if you were to take on this new policy, you really would be creating a board with enormous power, with incredible power, and my feeling is that if you are the elected officials, and you are, representing the County, then the final decisions, if there be any, should rest with you and with you only. The changes you had outlined really negates the need somewhat for an MPC. You wouldn't need an MPC. Let me throw a couple of other things at you. The MPC decisions call for specific findings of fact that are reviewed by the Superior Court. Let's say, for instance, if a specific finding of fact is reached by the ZBA, the Zoning Board of Appeals, that contradicts the finding of fact of the Metropolitan Planning Commission, well, that makes it almost next to impossible, not necessarily impossible, but it makes it very hard for the Superior Court to even get in and to reach a decision because it convolutes the argument. The other thing that Mr. Hart mentioned, which I agree with, and I think he used the term forum shopping, if you had a particular constituent, a developer or whoever they might be, decides that he may be --, he may feel he has better relations with the ZBA as opposed to the MPC, then he goes to that forum, or if he goes to the ZBA and he doesn't have a rapport with the MPC, then he goes to that forum. What that does is stretches out and adds cost to a process. And you talked about, Mr. McMasters, making more layers, which would be better for constituents or for anybody who comes before those bodies, but it just stretches out the time, and you're talking --, I mean, it's already grinding enough. If you've ever had to come before the MPC, that's a grinding job in itself, and you're talking about going through the appellate process. Man, that's incredible. And I hear people complain about it all the time. So, therefore, I'm just asking as a part of the MPC and also as a citizen that you not change this policy because, you know, you're really creating a huge monster that in the end you very well may not be able to control.

McMasters asked, may I ask you a few questions? Mr. Mackey said, certainly, sir. Commissioner McMasters asked, then what is your understanding of the principal duties of the current authority granted the County Zoning Board of Appeals? Mr. Mackey said, well, the Zoning Board of Appeals in the event that there's a decision that's arrived by or derived to by the MPC, and if that particular developer or whoever it may be has an appeal, or if it's something that's unusual, it's a term that we sometimes use, then they can refer that decision of the MPC to the Zoning Board of Appeals for a decision if they're not happy with that, if it meets those guidelines. Commissioner McMasters said, well, refer it --, so first it comes before the MPC, argues their case, and feels that something was not considered and they go to the currently empowered Zoning Board of Appeals, and that Zoning Board of Appeals happens to think in this case that the facts are --, that something was missed at MPC, do they have any authority to assist that taxpayer in changing? Mr. Mackey asked, does the ZBA have any authority? Commissioner McMasters said, yes. Mr. Mackey said, sure. It's an appellate process. Commissioner McMasters said, my under --. Mr. Mackey said, and that's not on all --, that's not on all decisions now. County Attorney Hart said, the difference between the two is that the Zoning Board of Appeals is one of limited review. Okay? And let's put this in the context of not mom-and-pop, I want to subdivide my lot and I need a two-foot variance. Let's put it in the context of a commercial development, a PUD of some complexity. Commissioner McMasters said, okay. County Attorney Hart said, a shopping center or whatever. Commissioner McMasters said, okay. County Attorney Hart said, if the property is zoned, and really the ultimate decision on whether you want to let it get zoned ends up here, but let's assume they get their zoning for a large complex mixed use shopping center. Then if they want to go in and develop that property, they have to go in under a PUD plan that meets all the requirements of the PUD ordinance, the zoning ordinance for that plan, and that may require hundreds of different items.

Right-of-ways, access, traffic study –. Commissioner McMasters said, okay, but not to interrupt you, Mr. Hart, but you're making a case of a simple situation of somebody –, mom-and-pop comes in –. County Attorney Hart said, but it's not simple. Commissioner McMasters said, – and somebody comes in with a highly complicated project. Are you telling me, and this question is to both of you, that our current Board of Appeals, Zoning Board of Appeals, it's only capable of handling mom-and-pop decisions and incapable of handling –. County Attorney Hart said, no, I'm not. No, I'm not saying –. Commissioner McMasters asked, is that your assertion? Mr. Mackey said, no, sir. County Attorney Hart said, I'm not saying that. What I'm saying –. Commissioner McMasters said, well, it seems to be the argument that –. County Attorney Hart said, no, that's not what it seems to be. What I'm saying to you, Commissioner McMasters, is that you've got an ordinance that may have three or four hundred things that you check off in that, and when you change this thing, you're now taking those three or four hundred things and saying if you're going to give them unfettered site plan review, you're saying, "We're going to let the Zoning Board of Appeals decide those three or four hundred things." As it is currently written, the MPC will administer the ordinance and make findings of whether they are within the ordinance or without the ordinance and make specific findings of fact. And if the party that has applied to that says, "Well, I can't live with the setbacks," or "I need to appeal that issue." Commissioner McMasters said, okay. County Attorney Hart said, and we're talking about primarily setbacks, variance –. Commissioner McMasters said, let's take setbacks. County Attorney Hart said, okay, primarily setbacks, then they can go before the Zoning Board of Appeals, and if the Zoning Board of Appeals finds that there are four issues, five issues actually, in regard to that situation, they can fix the variance problem insofar as setbacks, but that variance requirement doesn't necessarily go to all 300 items, and do you want your Zoning Board of Appeals second guessing where somebody puts the Dimpsty Dumpster on a piece of property? And that's what kind of decisions you're asking these people to make. Commissioner McMasters said, well, I would suggest that it –, two comments and then I'll conclude, okay. I would suggest that this might give rise to better appointments from this Board to that board as we've experienced with other boards. It's kind of a paper tiger is the impression that I'm getting, and yet we're defending it to be just that, a toothless organization that has limited power, whereas the City of Savannah handles it a little bit differently, has had no great impact because of it. The second comment is that if –, if an individual goes to MPC, doesn't get the verdict that he wants, goes to our Zoning Board of Appeals, gets the verdict that he wants, do we not still have the right to go to Superior Court and appeal that? County Attorney Hart said, sure we do, and –. Commissioner McMasters said, yes, we do, okay. County Attorney Hart said, – but what the judge is going to say there is he's going to say you've got your planning body saying A, and you've got your Zoning Board of Appeals saying B, so which is it, guys? Commissioner McMasters said, that's what –, isn't that what –. County Attorney Hart said, and they're going to wipe the zoning out, they're going to wipe the plan out.

Mr. Mackey said, and if I may interject, and I will close on this and let you finish hashing it out. If I may interject, I'll knock on wood, but in the past there's been a consistent trail of affirmative rulings by the Superior Court on those items that have been asked to be reviewed by the Superior Court without it being convoluted at all. But, again, I will mention that if you have two separate findings of fact by two different bodies, then, I mean, in all rationale and in all –, in your own thinking, I mean, that makes it harder to even get to a decision. I mean, that's what I'm worried about, and also by the fact that you'll create a body that, I mean, that's –, with incredible power. Thank you.

Chairman Hair said, thank you, Mr. Mackey. We appreciate your comments very much, sir. Commissioner Murray, I think we're ready to vote.

Commissioner Murray said, yeah, I –, you know, I came in this meeting after talking to people thinking that this change would be good. After listening to discussion, I really don't think it's good. I think that we're opening the door to put ourselves in a lot of serious trouble when it comes to zoning, and especially large developments. We have enough problems with some of the large developments as it is, and I think we need to keep that authority here with this Commission. The other comment that I'd like to make is I have a real problem with a citizen having to pay right at \$1,000 to appeal something to a County-appointed board, and I don't think it's right, and if in fact this board does not have the authority to do these things, then why should a citizen have to pay \$1,000 to go before that board? I'd like to see that changed or either maybe even looking at doing away with the board totally and let everything come directly to this Commission if they want to appeal it from the MPC.

Chairman Hair said, okay, we have a motion and a second on the floor to keep it as –. Commissioner Kicklighter said, to keep it like it is. Chairman Hair said, to keep it as it is and make no changes. All those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner McMasters voted in opposition. The motion to deny carried by a vote of seven to one. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

Commissioner Murray said, Jon [Hart], would you look into that, the fee, the \$1,000 fee and see what we have to do to change that and where do we have to –. County Attorney Hart said, the only thing you have to do, Commissioner Murray, to change the \$1,000 –, the fee structure, is that fee structure was voted on by this Board. If y'all want to change your fee structure, then we need to visit the fee structure and determine what that fee needs to be and decide that's what we want to do. Commissioner Murray said, well, I know it needs to be a reasonable fee and not something like this that really tells people we don't want you appealing. A lot of people can't afford that fee. County Attorney Hart said, I understand what you're saying. If you recall, we went through that about user fees and all that. Commissioner Murray said, if you could bring something back to us at the next meeting with a reasonable fee. Not \$500 either.

ACTION OF THE BOARD:

1. Commissioner Rayno moved to take this item from the table and place it before the Commissioners for consideration. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
2. Commissioner Kicklighter moved to deny the request for modification to the role of Zoning Board of Appeals under the current zoning ordinance. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner McMasters voted in opposition. The motion to deny carried by a vote of seven to one. [NOTE: Commissioner Rivers was not present.]

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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. PUBLIC HEARING AS REQUIRED BY THE STATE ON THE COUNTY'S FISCAL YEAR 2002-2003 BUDGET.

Chairman Hair said, I declare this public hearing open. Madam Clerk, did we have anybody –. The Clerk said, no names.

[NOTE: At this point Commissioner Murray continued discussion on the previous agenda item.]

Chairman Hair said, the law requires me to read a certain statement into the record. Ladies and gentlemen, this hearing is being held in compliance with State law relative to Chatham County's proposed Fiscal Year 2002-2003 budget. We will be discussing the total budget with all the various funds. Information packets for the proposed budget for all funds are available at the front entrance. A list is being passed around asking for the names and address of those present. The purpose of this is to document that public input was solicited for future audit purposes.

County Manager Abolt said, and to perfect the record, Mr. Chairman, the attachment to the staff report indicates that you're hearing a budget proposal in the amount of \$314,509,630. The more specific detail would be available should that be required.

Chairman Hair said, okay. I don't believe that we have anybody from the public that's asking to speak. Commissioner McMasters, you and Commissioner Rayno, I think y'all have a budget, some items you want to present or not. Commissioner Rayno said, no, we still working with staff on getting some information and they're taking their time to give us the accurate information. Chairman Hair asked, anybody else, any other Commissioners want to ask any questions about the budget at this point? Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, it's important to point out now because we're on a very tight legal clock, and it's in your staff report only for the benefit of bringing us all up to a level of understanding the immediacy of the choices before you, and again I rely so much on Mr. White and sometimes I miss Mr. Persaud. At this time I miss David [Persaud] a little bit, but looking at the staff report that Reese [White] and his folks have put together, after this hearing we are bound to identify and advertise a date for the adoption of the budget. I'm not saying that there's a normal way in which this is done, but in more times than not the budget would be adopted at your next meeting, and also at that time, as you know, coincidentally but not related to State law, you'd want to put yourself in the position to also adopt the millage. But again if there is a decision as the hearing closes today to move toward acting on a budget within two weeks, then staff would be about placing the advertisement in the paper that would say on the 26th of July the budget will be adopted, and I go one step further, Item 8 of Fact and Finding in the staff report, deals with other choices as a result of State legislation that in effect if you choose to balance any of the budgets affected by millage, which are M&O, SSD and CAT, and go beyond what is referred to as growth due to new growth in the digest, and there is a prescribed procedure, which is –, and I will not have to –, I know I don't have to read it for you, but it's under Item 8 under Facts and Findings. Now with the cooperation of Mr. Powers, who's given us a great bit of information on the end gain, which as you all know is to have a digest approved and then tax bills gone out, Mr. Powers you will note in the iteration of major points under Item 8, the last bullet indicates that we –, he would ask and would hope that any millage choice, certainly the adoption of the budget would have to take place on or before the 9th day of August, which is our first meeting in August. We have not predisposed you to any course of action, but in the event that anyone is considering an adjustment in the millage over and above new growth, and as you all can remember from past discussions, and this I know will be new to Commissioner McMasters, but three public hearings are required. We have tried to fashion if there's any interest today in going through three public hearings and to minimize the number of special meetings, and in effect you would give direction to staff today to advertise a series of hearings and any millage adjustment. That would make it possible and, again, this is only an alternative and we're not predisposing you to it, but if you chose a course similar to this, you would have to identify very quickly whether you wish to do this. We would have to, as I understand the advertisement requirements in State law, specify the maximum millage rate in each budget. It could be something less in your final

adoption, but has to be nothing less than you would adopt –. Excuse me, nothing more than you would adopt, but in that sequence of events, you could have two public hearings –, excuse me –, when your next regular meeting is, which is the 26th of July, one during your normal daytime session and then the only special meeting would be one that evening between 6:00 and 7:00 p.m., and then that would allow you on the 9th of August to in effect have your final hearing and adopt a budget. Now I think it's, and I don't want to make an assumption, but I believe that you may not be in a position to do that today. We would have to recompute. The only thing I would ask is as we go about and as you give us direction, it's vital in our partnership with both the Assessor and the Tax Commissioner to keep fully abreast of what their deadlines are and what in effect we must realize when it comes to getting tax bills out in a timely fashion.

Chairman Hair said, I don't think –, no decision has to be made today with respect to any millage –, setting of millage, that has to be done on the 26th. Is that correct? County Manager Abolt said, no, sir. That –, no, sir. That's not –, I apologize. Commissioner Rayno said, we have make a motion today to say that we're going to hold three public hearings. Today would be the first hearing and the next meeting would be the second and August 9th would be the third meeting, and I would move right now that we advertise the potential for what they call a tax increase, but I would suggest later that we'd be holding the millage at this current level for both M&O and SSD. Chairman Hair said, I just have some procedural questions. County Manager Abolt said, excuse me. Let me –. Chairman Hair said, and my procedural question is if you call –, if you make a motion today to have three public hearings, could you then count this as a public hearing? County Manager Abolt said, no, sir. Commissioner Rayno said, I'm sorry. Chairman Hair said, that's all I'm saying, you can't count this as a public hearing. County Manager Abolt said, look at page –, I don't mean –, you've probably already looked, but look at –, on page number two of the staff report, Item 8, those are the bullets, and so –, and again I don't want to assume that either this motion or another one will or will not pass, but if today a motion is made to do something beyond new growth, then staff is about advertising three new public hearings –. Chairman Hair said, right, but this could not count as a public hearing. That was my point. County Manager Abolt said, you're correct, sir. You're correct. Chairman Hair said, it's a procedural thing. Commissioner Rayno said, I'm sorry. Chairman Hair said, I wasn't –. Commissioner Rayno said, thank you. Chairman Hair said, I was just –, [inaudible] we didn't misinform anybody. Commissioner Rayno said, I was wrong. Thank you. Chairman Hair said, okay. I think then without further discussion, Commissioner Rayno, I will call on you to make that motion, if that's –, if you so desire. I don't see any other discussion here, so –.

Commissioner Rayno said, I make a motion that we advertise in the paper that we're considering the –, what they're calling a millage increase, but what we'll propose later will be maintaining the millage both for the M&O and SSD where it is right now in this budget year.

Chairman Hair asked, does that motion have a second? Commissioner McMasters said, second. Chairman Hair said, all those in favor of the motion –. Commissioner Kicklighter asked, can I –. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, state one thing for the record is to clarify for the public a little bit. Commissioner Rayno said, taxpayer bill of rights. If you will, I'd appreciate it. Commissioner Kicklighter said, yeah. This was some law change recently that required to advertise if you had an increase in the digest. This body –, I don't care what they want to call it in Atlanta, Georgia, this is not a millage rate increase, it's not a tax increase. They can call it whatever they want up there. This is keeping your millage rate exactly where it is today. So I just want that to be perfectly clear because I will not vote to increase the taxes, but we all know from watching TV and reading the paper, we are broke in Chatham County and we sure can't afford to reduce taxes right now. But we can only afford with a lot of hard work, dedication and cuts to keep it the same. And that's still –, we're going to be slashing stuff –, programs that people love that they want to keep, but we can't afford to roll back and reduce property taxes, but we're going to try our darnedest to make those tough cuts where we can keep the taxes the same for right now. That's all I've got to say.

Chairman Hair said, I'd just like to add to that. I think, however, though in the sense of fairness, if we did not –, if this motion did not pass, then the voters –, under the law the millage rate would be rolled back and the taxpayers would get a lower millage rate. If this motion passes, then and subsequently this Board votes, then the millage rate will stay the same, but the law requires an absolute rollback, and so there is –, while the millage rate will remain the same if this motion passes probably –. If this motion were to fail, they would get a tax decrease. Okay? Commissioner Kicklighter said, right. That's what I'm saying. I can't support a decrease because –. Chairman Hair said, I just want to make sure that everybody fully understands what we're doing –. Commissioner Kicklighter said, I can support keeping it the same. Chairman Hair said, what we're doing is not doing the decrease the State law makes us do if you vote for this motion, and I would assume it will pass. Go ahead, Russ [Abolt].

County Manager Abolt said, Mr. Chairman, thank you. Dr. Thomas and gentlemen, again you're right on from the standpoint of what we're required to do. The staff report we gave you back the early part of April requires us, if you proceed in this course of action, to place an ad in the paper and the language is very specific. The language says, "Notice of property tax increase." We cannot vary from that. We will have to follow the law. The remaining question I would have is will this apply to M&O only, will it be to SSD and will it be to CAT? Commissioner Rayno said, my motion was for both M&O and SSD. County Manager Abolt asked, and not CAT? Commissioner Rayno said, not CAT.

Chairman Hair said, I need to ask another question, Mr. Hart. This motion is being made primarily to support a return to the original millage rate and reverse the rollback required by law. If, however, the majority of this body chose a different act and raised the millage a different way than this, would this –, would this meet the legal definition or would this only apply to the –, going back, making up the rollback in essence? Or do we need a separate motion? County

Attorney Hart said, you've got to decide what you're doing because under the act, if you change the millage rate, or effectively change the millage rate, then you have to notify the public of that intent. Now there are two or three different ways of approaching it. You know, basically what you're doing here is you're not doing the rollback, you're keeping it the same. But technically under the act, that constitutes –. Chairman Hair said, a tax increase. County Attorney Hart said, a tax increase millage deal, otherwise the taxpayers get the rollback. Chairman Hair said, that's correct. Now if you go about it another way, because of the advertising requirements and the history of it, you're going to have to state what you're doing there because you've got to say tentatively this is what this millage rate means. It means millage rate will be whatever it is. Okay? And if the other way of going about it creates a different millage rate number, then we're going to have to run advertisements to cover that millage rate increase. Chairman Hair said, so after all that legal knowledge, I'm still not sure I understand the question. I have a real simple question, Jon [Hart]. If this body were to want to prepare for a possible millage increase, like we're preparing for the recapture of the rollback, would it take a separate motion or would this motion cover that as well? County Attorney Hart said, no. Commissioner Kicklighter said, a separate motion. County Attorney Hart said, no, it would not cover it. But this is what –, but what you need to do is you need to set a ceiling, okay, and then work back from the ceiling. I don't know what the plans are and I don't know what the different ways of going, but let's say one's two and one's three and one's four, set the ceiling not greater than four and that way you're going to be able to cover it.

Commissioner Odell asked, so we can make it high as far as advertising, but anything lower than that we don't have to readvertise? County Manager Abolt said, that's correct. Commissioner Odell said, okay. So if we were to say a two mill, we could make a zero mill increase, that would be compliant, but if we were to say zero mill –, not zero –. County Attorney Hart said, one. One. Commissioner Odell said, one, we couldn't do two. County Attorney Hart said, correct. You've got to have something that covers your options is what I'm saying to you, or else you've got to adopt –. Chairman Hair asked, but you put a cap higher than the current millage rate, then –? County Attorney Hart said, you've got to advertise it as an increase from whatever the current millage rate is to that cap. Chairman Hair said, so then the motion, Commissioner Rayno, you're going to have to –, you're going to have to put a cap in your motion. Under the law you've got to put a cap on it. County Attorney Hart said, to cover all your –, to cover the different options. Chairman Hair asked, so what's your cap you want to put in the motion? County Attorney Hart said, he's effectively capped it now at –. County Manager Abolt said, yeah. Let me, if I might, sir, if I understand the motion, which I believe it is, the issue is revaluation. That is a defined amount in the digest. We would have to work backwards from that amount for both M&O and SSD, giving the current value of a mill, and then in the advertisement that would be in there. Chairman Hair asked, so the CAT would be the current millage rate, Commissioner Rayno? Is that your –? Is that your CAT –? Commissioner Rayno said, that's all right. Chairman Hair said, okay, and who seconded the motion?

Commissioner McMasters said, I have one particular question. Chairman Hair said, okay. You seconded the motion. The cap is the current millage rate. Do you understand the second? That's the motion. He has to put a cap on the millage rate, and [inaudible] cap is the –. Commissioner McMasters said, current millage rate. Chairman Hair said, current millage rate. Do you accept that? Commissioner Kicklighter said, keep it like it is, yeah. Chairman Hair said, okay.

Commissioner Rayno said, I'm going to withdraw my motion for a second. Chairman Hair said, okay, withdraw the motion. Do you withdraw the second? Commissioner McMasters said, yes. Commissioner Rayno said, I'd like you to declare a five-minute recess, too. Chairman Hair asked, you're asking for a five-minute recess? Commissioner Rayno said, yes, sir. Chairman Hair said, I'll declare a five-minute recess.

NOTE: Chairman Hair declared a five-minute recess at 11:05 a.m. The meeting of the County Commissioners was reconvened at 11:10 a.m.

Chairman Hair said, Commissioner Rayno, could I have your motion? Commissioner Rayno said, I withdraw my motion. Chairman Hair said, okay, you've already done that. Commissioner Rayno said, now I'm going to cap it at the level that we have currently in M&O –. County Manager Abolt said, with everybody's permission and only to the err on the side of being very careful on this, I would like to go through step by step and explain then a series of actions. Chairman Hair said, we don't have the motion yet. Let's see if the motion [inaudible], okay. Make your motion, state your motion for the record.

Commissioner Rayno said, I propose we advertise in the newspaper that we maintain the millage rate at the same level it was last year, the millage rate for SSD and M&O. Chairman Hair said, okay, do I have a second? Commissioner McMasters said, second. Chairman Hair asked, any discussion? All those in favor of the motion vote yes, opposed vote no. Commissioners Rayno, McMasters, Murray, Gellatly and Kicklighter voted in favor of the motion. Chairman Hair and Commissioners Odell and Thomas voted in opposition. The motion carried by a vote of five to three. [NOTE: Commissioner Rivers was not present.]

County Manager Abolt said, it's a –, and I apologize only because I err on the side of caution, what in effect we must do, and I will go down with your permission the bullet points on Number 8. First of all, I want to go to Mr. White. He corrected me during the break that a millage rate to do what Commissioner Rayno and you all have approved in effect does not appear in the paper. It will be a percentage computation, but in effect the bottom line figure and what we'll compute the percentage on is the current tax rate in M&O and SSD. So when you see the advertisement and don't see a millage rate, that's it. But, again, you have done that then, and then we're going to proceed with then an advertisement announcing this what is referred to as a millage increase, and it will be in the paper for printing on or before the 19th of July. On or before the 24th the Board of Assessors must petition the State Department Board of Revenue for an

extension of the tax digest submission date. The County Commission must hold a public hearing before Noon at your next meeting on the 26th. The County Commission must hold a special meeting between 6:00 p.m. and 7:00 pm., that day. And the next point, the advertisement announcing the millage increase must be transmitted to the newspaper on or before the 29th for printing in the newspaper on or before the 2nd of August. And then in effect it says the County Commission must hold the third required meeting at the regularly schedule meeting on the 9th of August, and after that at the same meeting the Board must set the millage. According to the Tax Commissioner, any millage levied later than August 9th will endanger the ability to issue the tax bills.

Commissioner Kicklighter said, I've got a question, if I could, Mr. Chairman, on this -. [Unintelligible comments when several Commissioners began speaking at the same time.] Commissioner Kicklighter said, on that subject, if I could please, we just had a long drawn-out conversation about the millage rate. We had no verbal opposition to keeping it the same. I would like just a point of clarification, a personal understanding of -, because no one objected to that discussion, the two members, and I believe -, Dr. Thomas, did you vote against that also? Commissioner Thomas said, yes, I did. Commissioner Kicklighter said, I'd like to understand why y'all voted against the motion on that. Commissioner Thomas said, for the same reason you voted for it. Commissioner McMasters said, [inaudible] obligation if you'd be glad to share with us. Chairman Hair said, I'd be glad to share it with you privately or publicly. I don't mind telling you what my -, but I don't -, we don't -, I don't ask you why you vote for a certain way. Commissioner Kicklighter said, well, I mean -. Chairman Hair asked, do I ask you why you vote? Commissioner Kicklighter said, normally, normally if someone opposes something they share that in the discussion before the vote. Chairman Hair asked, what's your point? Commissioner Kicklighter said, I guess my point is did y'all want to hold it the same, did you want to reduce taxes or actually increase taxes. Chairman Hair said, we will vote at the appropriate time our wishes. Just like you voted your [unintelligible comments when several Commissioners began speaking at the same time.]

Commissioner McMasters said, I'd like to know from Jon [Hart] and Russ [Abolt], if what we just voted to do affirmatively is exactly what the City of Savannah is currently undergoing. Commissioner Odell said, yes. Commissioner McMasters asked, is that correct? Commissioner Odell said, yes. Commissioner McMasters said, just to be certain, I want to -, you understand that we're doing exactly as the City of Savannah elected to do with the -. [NOTE: No audible response was given.] Commissioner McMasters said, okay. Thank you.

Chairman Hair said, all right. Any other questions on that? Then I'll declare -. Commissioner Rayno asked, wait, wait. We set the millage for the CAT today too, don't we? Commissioner Kicklighter said, only if you're going to -. Chairman Hair said, you're already excluded it from your motion, so it's set at the old level automatically if this meeting's adjourned today and that's not changed. County Manager Abolt said, yes, but if I may elucidate on that. You've set yourself on a course, but come the 9th of August when you adopt your total budget, you will not have the option of increasing the CAT millage beyond the new growth. Commissioner Rayno said, wow, that's too bad.

Chairman Hair said, okay, that completes the public hearing.

ACTION OF THE BOARD:

Commissioner Rayno moved to advertise in the newspaper that public hearings on the budgets for FY 2002-2003 will be held (1) during the regular Commission meeting and before Noon on July 26, 2002; (2) between 6:00 p.m. and 7:00 p.m., on July 26, 2002, and (3) during the regular Commission meeting on August 9, 2002, and that we maintain the millage rate for SSD and M&O at the same level it was for FY 2001-2002.

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2. CONSIDERATION OF WAIVER OF LATE PENALTY FOR TARDY BUSINESS TAX CERTIFICATE RENEWAL AFTER DUE DATE. PETITIONER: ELLEN ELZE, AGENT FOR DESIGN GROUP INTERNATIONAL, LOCATED AT 5-A SKIDAWAY VILLAGE WALK. [DISTRICT 4.]

Chairman Hair recognized Mr. Gregori Anderson.

Mr. Anderson said, thank you, sir. The petitioner is requesting waiver of a late penalty for the renewal of a business tax certificate. Under the current ordinance they're required to get the renewals back into our office by the 1st of March. They failed to do that so the penalty was levied to them. They're here before you today to request a waiver of that penalty. We did send a notice out to the petitioner. I don't know if they're here or not.

Chairman Hair asked, is Ms. Elze here or anybody representing Ms. Elze? [NOTE: No one responded.] Chairman Hair said, okay. It's usually been the policy of the Board that if petitioner -. Commissioner Murray said, I move to deny. Chairman Hair said, move to deny. Do we have a second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion is denied.

ACTION OF THE BOARD:

Commissioner Murray moved to deny the request for waiver of late penalty for tardy business tax certificate renewal after due date of petitioner Ellen Elze, agent for Design Group International, located at 5-A Skidaway Village Walk. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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X. ACTION CALENDAR

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

Chairman Hair asked, anybody want to move anything from the Action Calendar? Commissioner Kicklighter said, E. Commissioner Rayno said, yes, please. Chairman Hair recognized Commissioner Rayno. Commissioner Rayno asked, which one's already been pulled? Chairman Hair said, E, Echo. Commissioner Rayno said, pull A please. Chairman Hair said, okay. Commissioner Murray said, also E. Chairman Hair said, E's already been pulled. Chairman Hair asked, anything else? I'll entertain a motion for the balance of the Action Calendar.

Commissioner Thomas said, move for approval. Chairman Hair asked, second? Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Thomas moved that the Action Calendar be approved in its entirety with the exception of Items 6-A and 6-E. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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

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1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON JUNE 28, 2002, AS MAILED.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the minutes of the regular meeting on June 28, 2002, as mailed. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JUNE 20 THROUGH JULY 3, 2002.

ACTION OF THE BOARD:

Commissioner Thomas moved that the Finance Director is authorized to pay claims for the period June 20, 2002, through July 3, 2002, in the amount of \$3,492,449. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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3. REQUEST BOARD APPROVAL TO ACCEPT A LOCAL LAW ENFORCEMENT BLOCK GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE IN THE AMOUNT OF \$69,612, TO APPROVE THE SELECTION OF THE ADVISORY BOARD AND TO SCHEDULE A PUBLIC HEARING REGARDING THE PROPOSED USE OF THE BLOCK GRANT FUNDS WHERE THE ADVISORY BOARD'S RECOMMENDATION WILL BE RECEIVED ON SEPTEMBER 13, 2002.

ACTION OF THE BOARD:

Commissioner Thomas moved to accept a Local Law Enforcement Block Grant from the Bureau of Justice Assistance in the amount of \$69,612, to approve the selection of the Advisory Board, and to schedule a public hearing regarding the proposed use of the Block Grant funds where the Advisory Board's recommendation will be received on September 13, 2002. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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4. REQUEST BOARD TO CONCUR WITH THE REGIONAL COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY PREPARED BY THE COASTAL GEORGIA REGIONAL DEVELOPMENT CENTER (RDC).

ACTION OF THE BOARD:

Commissioner Thomas moved to concur with the Regional Comprehensive Economic Development Strategy prepared by the Coastal Georgia Regional Development Center (RDC). Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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5. REQUEST BOARD APPROVAL FOR A TRANSFER OF BEER, WINE AND LIQUOR POURING AND SUNDAY SALES LICENSE. PETITIONER: HUGH L. BARNES D/B/A SNAPPERS SEAFOOD RESTAURANT, LOCATED AT 104 BRYAN WOODS ROAD.

ACTION OF THE BOARD:

Commissioner Thomas moved to approve the petition of Hugh L. Barnes d/b/a Snappers Seafood Restaurant, located at 104 Bryan Woods Road, for transfer of beer, wine and liquor pouring and Sunday sales licenses for 2002. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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6. 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. Contract for a not to exceed six (6) month "run-out" period to administer pending health claims	Human Resources	USI Administrators	9% administration fee	Internal Services Group Health Insurance Fund
B. Confirmation Change Order No. 1 to the contract for the construction of the Stephenson Avenue widening project for the relocation of a sanitary sewer line	SPLOST	APAC-Georgia, Inc.	\$9,543.40	SPLOST (1985-1993) - Stephenson Avenue Widening project
C. Annual contract for the "as needed" purchase of mosquito control chemicals	Mosquito Control	•Adapco •Clarke Mosquito Control Products •Vopak	Varies by item	General Fund/M&O - Mosquito Control
D. Contract name change on the annual lease of tower space located at the Sheriff's complex	Sheriff	Change from: •Price Communications Wireless, Inc. To: •Verizon Wireless	Same terms and conditions	Revenue Producing
E. Contract for the purchase and installation of revolving doors at the Aquatic Center	Aquatic Center	The Carson Company	\$111,253	•CIP - Aquatic Center (\$61,253) •General Fund/M&O - Reserve for Deductible (\$50,000)

As to Items 6-B through 6-D:

Commissioner Thomas moved to approve Items 6-B through 6-D. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

As to Item 6-A:

Contract for a not to exceed six (6) month “run-out” period to administer pending health claims; Human Resources; USI Administrators; 9% administration fee; Internal Services Group Health Insurance Fund.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno asked, is there someone here from USI to explain this? Mr. Michael Kaigler said, no, sir.

Chairman Hair asked, was this 9% fee in their contract and they were allowed –, if the contract was terminated, they could charge this 9% fee. Mr. Kaigler said, the fee –, when the contract was originally awarded the fee was not included in there. It specified that we could negotiate a fee. They submitted a fee of 9% for outstanding claims. County Manager Abolt said, and just in a casual conversation, that was all it was and a follow-up on previous items Commissioner Rayno put on the agenda for Mr. Garrison. He was very candid and said he'd received that number of apparently what is in the Blue Cross/Blue Shield in the event that they are put in a similar situation.

Commissioner Rayno said, I don't mind giving them 9%, but I think six months is kind of extreme for someone to file a claim for a health thing, so if we could trim it back to three months, I'd be willing to approve it. Mr. Kaigler said, sir, we don't have any way to know what claims are out there or how long it will take. It's a percent of all the claims that have been submitted, so if it's only one claim submitted during December, you only get the 9% on that one claim. Chairman Hair said, so it really wouldn't make any difference –. County Manager Abolt said, it's not a retainer. Commissioner Rayno said, well, they just told us that they turn around claims in 30 days when they were here before. Mr. Kaigler said, sir, it's not –. Commissioner Rayno said, 15 days.

Chairman Hair said, well, I can understand what you're questioning, Commissioner Rayno, but I don't think it makes any difference to the action because if a claim comes in five months –, you know, I mean or if it comes in on the first, we're still on the 9%. I don't know that –, go ahead, Commissioner Murray.

Commissioner Murray said, my question on this, I know we went with the new insurance July 1st. Mr. Kaigler said, yes, sir. Commissioner Murray asked, if you had an ongoing claim before that time, does the new insurance take over that or does that company –? Mr. Kaigler said, the USI contract covers that claim –, for all claims after –, before July 1st. Commissioner Murray asked, excuse me. Mr. Kaigler said, all claims for services that were submitted before July 1st. Commissioner Murray asked, yeah, but if it's an ongoing claim on something, that took place –? Mr. Kaigler said, yes, USI would cover that. Commissioner Murray asked, even if –? Mr. Kaigler said, yes, sir, that's why we're paying that fee.

Chairman Hair said, okay, I'll entertain a motion to approve. Commissioner Rayno said, motion to approve. Chairman Hair asked, second? Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

As to Item 6-E:**Contract for the purchase and installation of revolving doors at the Aquatic Center; Aquatic Center; The Carson Company, \$111,253; CIP - Aquatic Center (\$61,253), General Fund/M&O - Reserve for Deductible (\$50,000).**

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I'd like to make a motion that we deny. Chairman Hair said, motion to deny. Do I have a second? Commissioner McMasters said, second. Chairman Hair said, motion to deny. Any discussion? Commissioner Murray said, yeah. Chairman Hair said, I think this is –.

Commissioner Murray said, we allocated –, if I'm not mistaken, didn't we allocate the funds to do this a while back? County Manager Abolt said, y'all told us to do something. We put the money together. Commissioner Murray said, and that door's been one of the major problems out there for quite a while. I just –, I was surprised when I saw the amount of money for it, but we had two different companies bid on it and they were not that far apart I don't think. Chairman Hair said, you know, this is extremely short-sighted to –. I'm sorry. Commissioner Murray said, what we're doing is we're telling the people that use that facility you can do what you want to, but we're not getting the door straightened out for you. This money's already been allocated for it, and didn't this money come from what was left off of all the project that were? County Manager Abolt said, it was a mix of CIP and also some reserve for deductible. Commissioner Murray said, no, that's –, excuse me, that was for the air conditioning part, too. County Manager Abolt said, yes, sir.

Chairman Hair said, I don't think it's really shortsighted to deny this. I think, you know, this is probably the most heavily used recreational facility in Chatham County and I think if we're going to provide a facility for the citizens, we are entitled to provide a facility that is working and that is –, that meets the needs of the users. And I think this will be the equivalent of never cutting the grass at Lake Mayer or not replacing a tennis net when it goes down on a tennis court. I think this is very shortsighted and I would hope this motion would fail. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I just want to let the people know that the cost of this revolving door is \$111,000. I live in a house that cost about close to the same as this door, and we're talking \$111,000 for a door, and to my knowledge, people are swimming in that pool right now, which means they must be walking through a door that is working. Chairman Hair said, it doesn't work very often. Commissioner Kicklighter said, it may not be perfect, but there is a way in and out of this facility without this \$111,000 door. And, you know, we talk about the County being broke, but oh we have to have

a door, and I forget what I was called –, shortsighted, shortsighted. I'm shortsighted. Folks, \$111,000 for a door. That's not shortsighted to deny when people are able to use this facility right now. If they were locked out and couldn't get in and we've got this multi-million dollar facility that they can't use, let's put a door in. But they can get in and out of it right now, so I encourage you to join me in my shortsightedness and deny this \$111,000 door.

Chairman Hair said, Commissioner Gellatly and then Dr. Thomas.

Commissioner Gellatly said, yeah, I would like to maybe offer a different perspective. I use that facility myself very early in the morning, five days a week, a total of seven and a half hours a week without fail, and I'm familiar with that door, and out of all the doors Chatham County owns in all of its buildings, it's undoubtedly not only the most expensive door, it's also the most complicated door, and it actually has almost its own computer system. Commissioner Thomas said, exactly. Commissioner Gellatly said, and probably it's a door that never should have been put in the facility to begin with. It's a door that's very similar to what you find at the airport, a revolving door as you walk in and what have you, and probably is a door that never should have been put into a building that has high humidity, such as the Aquatic Center. Consequently, that door for probably the best part of the year has not been an electric door. It's been a door –, it's been a push door, and I think what I'd like to see, I talked with the senior member of staff this morning at the Aquatic Center and that particular individual felt that with a little bit of modification that the door that's in there right now could be made to work, and when I say made to work, I don't meet to put electricity to it again, that it's probably they could made it a very easy –. It's very easy to push door now, but they probably could make it even easier, and I think maybe we need to take a look at that. I do agree with my colleague over here, \$111,000 is ridiculous for a door, especially with the conditions that we're in right now. But what I would ask my fellow Commissioners if we can have staff take a look at it, and if the door could be modified without putting electricity back to it –. You know, it's an old door too. You know, it may need five or ten thousand dollars worth of repair to keep it going. Now keep in mind that the Aquatic Center, for everyone that may not be aware of it, has a plastic roof, a vinyl roof, and if someone were to leave the door open, that entire roof would be in the pool in the morning because it's about 11 degrees difference in the air pressure. I don't know which one's higher or which one's lower, but it would be a real problem. That's why you've got that kind of a door to begin with. So, I would like to take a look at the possibility of let's keep the door that's in there right now, it's working right now. It's not electrified, but it works just fine, and there –, you know, there are cases where you may have someone that's handicapped or elderly or what have you that they need assistance getting through that door, but that was true even when the electricity was to it that sometimes they needed assistance to get through that door. So, I –, considering that the Aquatic Center is near and dear to me personally, okay, but I'm also aware of the fact that we have a serious budget crunch here, and I think that we could live with that door with a little bit of modification. That's my personal opinion.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you. I think that Commissioner Gellatly said it very, you know, distinctly in terms of what I wanted to express, too. And I do know that this has been an ongoing situation now for about like two years, if my memory serves me correctly, and I can recall two persons being stuck in there because I had too many children in there and we had two people, you know, to get stuck in there, and it took some time to get them out, you know. So, this was the revolving part of it, and I realize that \$111,253 is really a high number, and I, too, would like to see if we can reduce that to some point, but we still need, you know, a door that is operable.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah. I agree with the discussions we've had so far and I do think it's a lot of money, but at the same time we've had problems with that door since the Aquatic Center was built. It's a poorly designed door to be going in there. I don't know if we have any recourse back on the architects or the design process for that. Do we? County Attorney Hart said, well, we've had about three meetings, we finally got all the documents together and hopefully I'll be able to come back to y'all pretty shortly. Commissioner Murray said, I guess my main concern is that if we have somebody go out there and look at it and they say, "Yes, we can fix it," and then three months later we continue to have the same kind of problems, what are we going to do? Commissioner Gellatly said, fix it doesn't mean put electricity to it. Commissioner Murray said, no, I'm not saying put electricity back. I'm saying you don't –, but if it's not just right and for some reason that door turns or anything else and you start getting air in there, you're exactly right. Commissioner Gellatly said, it doesn't get stuck with the lack of electricity. The good thing is the door doesn't ever get stuck. It's free-moving.

Chairman Hair said, I think the appropriate motion, and could I make motions I'd make this one, would be to approve this –, first, the motion on the floor is to deny, defeat that motion and vote to approve it, but approve it as a maximum amount with staff saying if they can repair it, from your suggestion repair it, but if they could not, it would authorize staff to go ahead and replace the door. And I think that –, none of us are engineers and, you know, but I think the motion –. I'd hate to see us go out here and for weeks and weeks and weeks and look at it and then have to come back and put it back on the agenda again if the repair didn't work.

Commissioner Gellatly said, the door is working perfectly right now. You just have to push it, that's all.

Chairman Hair said, okay, well, the motion is to deny it. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I'm glad you asked the question about the legal implications and going back to the original contractor and designer that put a revolving door in a humid facility. I bet if you look around the country there's probably

not revolving doors in those situations, and I would use that as one of my arguments if I were to take them to court, but I think they should pay for what we're having to go through right now. A lot of the problems with the humidity alone they should pay for because that design was so poor, and \$111,000 is a lot of money.

Chairman Hair asked, any other questions. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, you know, I don't think it's necessarily the contractor, I think it's the person that designed the facility because the contractor does what is out there and what the architect tells him what he has to do or in this case probably our staff tells them what they have to do based on the design, but I –, I, too, feel like we need to do something to allow it if it can be repaired, repair it, but if it cannot be, then we go ahead and replace it. There's a lot more to replacing it, I think, than just the door itself. There's a lot of other stuff, structural work and everything else that has to be done. Is this the same door or is this a different type door? County Manager Abolt said, if I may, Dr. Thomas and gentlemen, I have asked and he's in the audience right now, we have the architect with us that has been through this. So you're asking a lot of good questions. Commissioner Murray asked, is it the architect that designed the facility or are you the architect just to do the door. Mr. John Clay said, just to replace the door. Commissioner Murray said, because if you're the one that designed the facility, I'd get out while you can. County Manager Abolt said, that's why he's sitting in the front row. Mr. Clay said, good morning. John Clay, Barnard Architects. It is a lot of money, but it's not just one door that we're putting in. The existing revolving doors are big 12-foot automatic –, well, it's supposed to be automatic –, revolving door. It's been problematic. The design is to replace it with two 8-foot manual doors. These are stock doors. There's no electronics, no computers. They're just manual, but to achieve handicapped accessibility we have to add swing doors off to the side. So it's not just one door. I know that –, but as you know it's expensive. I know there was a question about trying to fix these doors. Calls were made to the manufacturer and they said that there is no procedure, no tools, no mechanics to convert the automatic door to a manual door. It is a manual door right now by default, but it is very hard to push. Technically, it does not meet handicapped standards it's just so hard to push. I know there's a staff person assigned to help people through the doors and I guess that helps in the interim. But if there's any other questions.

Chairman Hair asked, are there any other questions? Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, it's \$111,000 and it's not an automatic door. Do I understand that correctly? Mr. Clay said, that's correct. Two 8-foot manual doors plus swinging doors that form an air lock for the handicapped. Commissioner McMasters asked, and those would be automatic? Mr. Clay said, those would be automatic. Commissioner McMasters said, okay.

Chairman Hair asked, any other questions? All right, we have a motion to deny. All those in favor of the denial vote yes, opposed vote no. Commissioners McMasters, Gellatly and Kicklighter voted in favor of the motion. Chairman Hair and Commissioners Rayno, Murray, Odell and Thomas voted in opposition. The motion failed by a vote of five to three. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion to deny fails. I'll entertain a motion. Commissioner Odell said, motion to approve. Chairman Hair said, motion to approve. Do I have a second? Commissioner Thomas said, second. Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly and Thomas voted in favor of the motion. Commissioners McMasters and Kicklighter voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

1. Commissioner Thomas moved to approve Items 6-B through 6-D. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
2. Commissioner Rayno moved to approve Item 6-A. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
3. Commissioner Kicklighter moved to deny Item 6-E. Commissioner McMasters seconded the motion. Commissioners McMasters, Gellatly and Kicklighter voted in favor of the motion. Chairman Hair and Commissioners Rayno, Murray, Odell and Thomas voted in opposition. The motion failed by a vote of five to three. [NOTE: Commissioner Rivers was not present.]
4. Commissioner Odell moved to approve Item 6-E. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly and Thomas voted in favor of the motion. Commissioners McMasters and Kicklighter voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Rivers was not present.]

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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. AMENDMENT TO THE CHATHAM COUNTY ORDINANCE AND STATE FIRE PREVENTION CODE TO ENSURE ADEQUATE MEAN INGRESS TO SAFETY AND FIRE PERSONNEL TO COMMERCIAL PUBLIC MARINE FACILITIES.

ACTION OF THE BOARD:

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

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XII. SECOND READINGS

1. AMENDMENT TO THE CHATHAM COUNTY CODE PERTAINING TO THE SALE OF BEER AND WINE AT TYBEE PIER.

Commissioner Murray said, so moved. County Attorney Hart said, Mr. Chairman. Commissioner Thomas said, second. Commissioner McMasters said, second. County Attorney Hart asked, Mr. Chairman, prior to voting on that, could we make the effective date of that act December 31st of this year? Chairman Hair said, whatever you want to make it? Commissioner Murray said, whoa, whoa, whoa. Why? Chairman Hair asked, why? County Attorney Hart said, and the only reason I'm asking that is if you're going to pass that act, we now have –, which is no problem with it –, but we now have a situation in which we have a vender contract and we have a service maintenance contract on that facility that the County has the ability to terminate at convenience and go to month to month. There has been –, if this ordinance is passed, apparently there's a good widespread interest in the possibility of several people on a competitive basis being interested in running that facility, and it would give us the opportunity to ask this Board to consider the possibility of terminating for convenience at the next meeting and then going out on a bid to see what kind of people we can attract.

Commissioner Rayno asked, we'd lose half of somebody's income on beer sales. Chairman Hair asked, how about –, instead of December, why couldn't we make it like September 1st? Chairman Hair said, if that's what you –. Commissioner Rayno said, there won't be any traffic on Tybee.

Commissioner Murray said, well, the purpose in this was to go ahead and start generating some revenue off of that. County Attorney Hart said, that's fine. Commissioner Murray said, and if we wait, we're not going to be able to generate any until next Summer. And I think all we have to do is amend his contract for the person that has the right –. Chairman Hair said, he's got to get a liquor license anyway. Commissioner Murray said, I understand that, but it shouldn't take him that long to go through a process to be able to sell beer and wine on the facility.

Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved to approve the amendment to the Chatham County Code pertaining to the sale of beer and wine at Tybee Pier. Commissioners McMasters and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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BOARD OF TAX ASSESSORS (COMMISSIONER MCMASTERS)

Chairman Hair said, Commissioner McMasters has asked that we add the Board of Assessors to this agenda and to, I guess, ask questions of the Board of Assessors. Chairman Hair said, Commissioner McMasters, I'll call on you.

Commissioner McMasters said, what I'd like to –, welcome, Mr. Vestal. So that my fellow Commissioners understand really what's transpired here is Mr. Vestal was asked to go back and look into the anomaly that occurred in Tax Assessor's office in generating 25,000 incorrect bills, and we asked him to study that extensively and report back to us

within 30 days. Mr. Vestal conducted his work in record time evidently, I should say the board did, and submitted it but did not route it through staff fast enough to get into our packets. So since the board members have taken the time to come here today, I thought it would be provident to go ahead and hear from them. And, Mr. Vestal, I'll turn it over to you. Is there anything that you'd like to tell the Board about your facts and findings?

Mr. Joseph Vestal said, well, I'm not sure where I can go with this. Commissioner McMasters said, yeah, you're reminded it is an employee matter. Mr. Vestal said, right, right. Exactly. I'm not –, and the only reason I tried to get this to you first, but the timing was pretty tight because as everybody knows there's a lot of things in the paper, so I was trying to get that to you since you are ultimately our bosses. So I was trying to make sure I got that –, that report to you before that was out in the press. So that was the reason for that, but I'd like to make –, a statement I'd like to make is that I'm merely the spokesperson and move the agenda along for the other members. Actually the other members, we all usually try to work together and that I'm just their spokesman. So, I sign the different letters for the other members, but that is for the other members. It's not unilaterally. And I have really enjoyed working with this group of people. We're a very diverse group of people, but I think that's been strength of this board and we try to work together and that –, and we all try to come up with agreeable things that we all can live with. And that we always –, once we vote against or for something and we're divided, we all come together and we go on to the next thing, so it's a very good group to work with.

Commissioner McMasters said, well, I'd like to ask you –. Mr. Vestal said, yeah. Commissioner McMasters said, within the scope of this document –. Mr. Vestal said, sure. Commissioner McMasters said, – which I haven't had the chance to really read through in its entirety. Is there some finding of fact or solid policy that you have now implemented, your board has now implemented to prevent this from occurring in the future? Mr. Vestal said, yes, sir. We, of course –. Commissioner McMasters asked, where would I find that in this report? Mr. Vestal said, yes, you'll find that –. Well, I'd rather go over with you, the one thing we had a problem with that I know you discussed is that I've not substantiate some of the items, but some things that concerned me, there's all to do with sampling, which is reported in the papers, like I say. So we do have something put in place for that. There's also I understand –, I need to get the facts substantiated, but I understand the computer program runs on cobalt, which –. Commissioner McMasters said, not to interrupt you, but there's some discussion here about a patch in the software was the causality. Mr. Vestal said, right, well, that's what I'm saying. I don't know –, can I discuss that patch or –. Commissioner McMasters said, yeah, this is, I think –. Mr. Vestal said, I don't know. Commissioner McMasters said, – software issue, not a [inaudible] issue. Mr. Vestal said, I don't know what I can –.

County Attorney Hart said, as long as you're talking about general matters that deal with how this occurred, I have no problem whatsoever with it.

Commissioner McMasters said, what I want to know is the software manufacturer, they've given you –, they trouble shot this, they provided you with the appropriate fix, for lack of a better word as a layman, and have they –, well, tell me a little bit about this software. Have –, are you comfortable with this software? Mr. Vestal said, no, sir. That's what I was getting at. I was kind of preempting your question. Commissioner McMasters said, okay. Well, since the software was the root –. Mr. Vestal said, right, and I can't get into the particulars now. Commissioner McMasters asked, – of some of the problems, why don't you tell me what your issues are about the software? Mr. Vestal said, okay. My concerns are, and I haven't substantiated everything, but I know it runs on cobalt, but I don't know the total history and I've been putting –, excuse me –, bits and pieces of together. The problem I have (a) it runs on cobalt. It's a proprietary system and I understand that we are –, we are or there's maybe one more county in the State that runs this software. Commissioner McMasters asked, you've checked with all 162 –? Mr. Vestal said, no, sir, that's what I'm saying. I haven't substantiated these things, but this is what I've learned so I'm going to try to get the total facts so that they will be facts. Okay? But you asked the question, I'm telling you what I know. Okay? Commissioner McMasters said, okay, just so that I understand. This software manufacturer, how much of the work of your department is done by software designed by this manufacturer? That is, do you have multiple primary softwares for your work or how much of your work is dependent upon this manufacturer's software? Mr. Vestal said, I would say 90%. I don't know what the other 10% would be. Commissioner McMasters said, okay, so it's your primary –. Mr. Vestal said, yeah, that's a better way. I prefer not to put percentages. That's our primary operating system. Commissioner McMasters asked, what would you like us to know about it? Mr. Vestal said, well, I think –, well, I'll take –. Instead of saying it that way, what worries me, but I need to get the facts together and make sure that my facts are correct –. Commissioner McMasters said, okay. Mr. Vestal said, we don't have any operating manuals and we're addressing that now. Commissioner McMasters asked, you don't have –, you don't have a single operating manual for this software? Mr. Vestal said, not to my knowledge.

Commissioner Rayno asked, well, who runs it? Mr. Vestal said, Mr. Udinsky. And now David Little.

Commissioner McMasters said, you don't have a single operating software training manual? Mr. Vestal said, not to my knowledge. Commissioner McMasters said, okay, would you –. Mr. Vestal said, substantiate that, yes. Commissioner McMasters said, so that the Board knows, let me interrupt here, at the last meeting you'll remember, and this is for the public as well as my fellow Commissioners, you all asked me to get together with Mr. Vestal privately to continue our discussions, and I set up a meeting on the 19th. I'd like to add to that meeting, Mr. Vestal, as much as you can find out about the lack of –, this is disturbing that you don't have operational software manuals. So please –. Mr. Vestal said, and David Little's our –, who was sent over from ICS, he's learning the system and I've talked with him –, in effect when I say I in this, I mean the board has. I don't want to mislead you in that. We have spoken to David Little in a meeting wanting to find out where he was learning the system, and he said he probably could run the system, but he didn't –, he wouldn't feel comfortable running the system by himself if he had to. Then, like I said, I need to substantiate these facts,

is that this is a very small company that provided the software for the County with maybe only three employees, which bothers me, and they're in Florida. If I may add to that –. Commissioner McMasters said, sure. Mr. Vestal said, is what bothers me is I would like to have software –, I'm not asking for software, but I'm just saying what a perfect world would be –, is software that's being used by most of the counties. That way if we have a problem, we can call them They usually have the same problems. But this –, this has kept me awake at night because it's a dangerous situation. Commissioner McMasters said, okay. Let's talk more about your software issues later. I want to know if you were –, I don't see you copied on this from the County Attorney relative to my questioning to you and Mr. Udinsky in the last meeting on inspection of tax exempt property and the tax digest. Have you had the benefit of this? Mr. Vestal said, I'm sorry. Commissioner McMasters asked, have you had the benefit of this July 9th County Attorney correspondence answering my question as to what the actual law says with the duties of all Tax Assessors in the State of Georgia relative to whether or not tax exempt property should be inspected along with all other property? Have you received this? Mr. Vestal said, I may have, I don't know. I didn't check my mail last night. I was out of town for two days. Commissioner McMasters said, okay. Mr. Vestal said, I can't answer that because I had enough to do last night preparing –. Commissioner McMasters said, let me ask –. County Attorney Hart said, if he hasn't got it, I'll be glad to get it, but normally that's routed through the Assessor's office and given to the board members, but if you want it to all the board members –. Commissioner McMasters said, yeah. I would like on matters of the Board of Assessors that Mr. Vestal and his board members, as well as Mr. Udinsky and the Commission, be copied. County Attorney Hart said, we can do that. Commissioner McMasters said, okay, let's defer this conversation –. Mr. Vestal said, usually what it does, it goes to their office and they route it back to me, so –, so that could be in route. Commissioner McMasters said, well, let's just open the loop up completely. Mr. Vestal said, okay. Commissioner McMasters said, okay. I would –, would defer to that and I'll look forward to our meeting on the 19th, but I would like to applaud the individual board members for the expediency of your work and the thoroughness of it, the accountability of it, and it –, I'd just like to take a moment to say that I think we've finally impaneled a Board of Assessors that can do good work for the County and it's a board that we can be proud of. So I thank you guys for moving quickly, equitably and thoroughly on behalf of the taxpayers of Chatham County. Mr. Vestal said, thank you. I thank you for the board and I would like to make note that four of the other board members are here to support their spokesman. Thank you. Commissioner McMasters said, you guys are looking like a solid unit and I appreciate that.

Chairman Hair said, Commissioner Murray has a quick comment and then let's wrap it up.

Commissioner Murray said, I've just got one thing that I got in the mail yesterday when I got home, and it says: Dear Mr. Murray, you have probably been inundated with copies of sequels to the first tax notice. Here's another one. There's a number listed if no one is available to answer the phone. Where do we go from there? Thank you again for your concern. And this is a notice that was sent out to everybody to correct –. Mr. Vestal said, yes. Commissioner Murray said, there is a number down at the bottom. Does somebody man that? Is it always –. Mr. Vestal said, yes, sir. Usually it's answered. I had to call in the other day and go through that line because I didn't my have my cell phone the reason I didn't have it put in there, and I had to call it. It takes a lot –. What it does, it will ring and ring and ring if they're tied up because we're getting a lot of calls, as you know, and then the final –. Commissioner Murray said, I can understand why. Mr. Vestal said, it will ring and ring. If they just keep holding on, it'll click on. I went through the same thing. Commissioner Murray said, I'll respond back to her then –. Mr. Vestal said, I'd like for you to make note, you probably get a lot of calls, one thing that this board has done is if somebody has a problem with the Assessor's office and they can't get it solved, they can get on our agenda by sending us a letter and they can speak directly to us. So that's a way if they do have such a problem and they can't get it solved, we can hear it right face to face.

Chairman Hair said, thank you, Mr. Vestal. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I just wanted to thank the whole Board of Assessors for your work and thank you for providing accountability to Chatham County. And like the paper said today in the editorials –, I can't rephrase it any better –, how refreshing it is to see a board that takes their job seriously and makes accountability their number one concern. And also I know that you've expressed in the past a concern about lack of uniformity in Chatham County. I know that you'll be addressing that in the future, and we look forward to reports on that and seeing what it will yield in terms of decreasing the pressure being put on current homeowners in Chatham County. Thank you.

Chairman Hair said, thank you, Mr. Vestal. We appreciate you being here.

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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). None for this meeting.**

ACTION OF THE BOARD:

None were received for this meeting.

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- 3. **TO PRESENT INFORMATION TO THE BOARD ON THE ADVERTISEMENT OF THE 2002 TAX DIGEST AND FIVE YEAR HISTORY OF LEVY FOR ADOPTION OF 2002 MILLAGE LEVY AS REQUIRED BY THE GEORGIA CODE SECTION 48-5-32 AND INFORMATION REGARDING DIGEST GROWTH.**

ACTION OF THE BOARD:

Received as information.

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EXECUTIVE SESSION

Upon motion made by Commissioner Kicklighter, seconded by Commissioner Thomas and unanimously approved, the Board recessed at 11:47 a.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:35 p.m.

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ITEMS FROM EXECUTIVE SESSION

- 1. **DISCUSSION REGARDING HIRING THOMAS & HUTTON ENGINEERING COMPANY FOR REVIEW OF COST TO CURE AND EXPERT WITNESS SERVICES IN THE BRANCATO CONDEMNATION (JON HART).**

ACTION OF THE BOARD:

Commissioner Thomas moved to authorize the County Attorney's office to hire Thomas & Hutton Engineering Company for review of cost to cure and expert witness services in the Brancato condemnation in an amount not to exceed \$5,000. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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

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APPOINTMENTS

1. SOUTHEAST COASTAL REGIONAL MENTAL HEALTH/MENTAL RETARDATION/SUBSTANCE ABUSE BOARD (REGION 13)

ACTION OF THE BOARD:

Commissioner Murray moved to reappoint Sam Simpson, Jr., to serve on the Southeast Coastal Regional Mental Health/Mental Retardation/Substance Abuse Board (Region 13) to a term which will expire July 31, 2005. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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2. CHATHAM-EFFINGHAM-LIBERTY REGIONAL LIBRARY BOARD

ACTION OF THE BOARD:

Commissioner Murray moved to make the following appointments to the Chatham-Effingham-Liberty Regional Library Board: Appoint Ms. Betty Melaver to fill a vacancy created by the resignation of Ms. Donna Van Wirt, which term will expire June 30, 2005, and reappoint Ms. Cathy Johnson and Ms. Cheryl A. Koester to terms which will expire June 30, 2005. Commissioners Gellatly and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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ADJOURNMENT

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 1:36 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