

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JULY 26, 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 26, 2002.

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**II. INVOCATION**

Commissioner Frank Murray 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  
Joe Murray Rivers, District Two  
John J. McMasters, District Three  
Harris Odell, Jr., District Five  
David M. Gellatly, District Six  
B. Dean Kicklighter, District Seven

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

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**PUBLIC HEARING AS REQUIRED BY THE STATE ON THE COUNTY'S 2002 MILLAGE LEVY. This must be held at 9:00 a.m. There will also be a second hearing on the 2002 millage levy at 6:00 p.m. today.**

Chairman Hair said, I will now open the public hearing as required by the State on the County's 2002 millage levy. Ladies and gentlemen, this hearing is being held in compliance with State law. Chatham County Board of Commissioners has announced publicly its intention to increase the property taxes that were levied this year by 5.12% over the rollback millage for General Maintenance and Operations taxes, and 3.33 percent over the rollback millage rate for Special Service District taxes. The purpose of this hearing is to provide members of the public the opportunity to comment. The proposed millage rate for the General Fund is 10.367 mills, which is .505 mills greater than the calculated rollback millage of 9.862 mills. The proposed millage rate for the Special Service District is 3.475 mills, which is .112 mills greater than the calculated rollback millage of 3.363 mills. A list is provided at the front of the room for you to record

your name and address, as well as the organization you represent, if any, and this will allow us to document that public input was solicited. We ask that you be brief and concise in your remarks since there may be a number of people that would like to speak, and we want to make sure everyone has an equal chance to be heard.

Chairman Hair asked, is there anyone in the audience at this time that would like to speak on our budget? [NOTE: No one responded.] Chairman Hair said, okay. Hearing none, would you like to –, would any of the Commissioners like to present anything on the budget?

Commissioner Murray said, I'd just move that we close the public hearing if no one is here to speak. Chairman Hair said, all right. We have a motion to close the public hearing. Do I have a second? Commissioner McMasters said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present.] Chairman Hair said, the public hearing is closed.

County Manager Abolt said, Dr. Hair, Dr. Thomas, gentlemen, as required, there will be a second public hearing this evening at six in the evening. We would like to certainly make sure that we have a quorum so by chance if your schedules conflict, we would like to know if you will not be present tonight so we can guarantee we will at least have a minimum of five at the appointed hour. Chairman Hair said, okay.

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

None.

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**VI. CHAIRMAN'S ITEMS**

**1. JUDGE EMORY BAZEMORE, MAGISTRATE COURT ADMINISTRATOR - REQUEST FOR FUNDING TO HIRE ONE EMPLOYEE FOR MAGISTRATE COURT.**

Chairman Hair said, Judge Bazemore has asked to have a presentation this morning. As a courtesy to him I have put this on the agenda. Chairman Hair recognized Judge Bazemore.

Judge Emory Bazemore said, thank you very much. Dr. Hair, members of the Commission, thanks for this opportunity to give me an opportunity to plead a cause for one additional employee in Magistrate Court in our finance department. This new employee will be an entry level employee. The salary will be, including benefits, a cost to the County of \$28,000 per year. You may recall or you do recall that last year the Magistrate Court had a cut in its budget of \$106,300. This necessitated the termination of three employees from the Clerk's office. The employees in the Clerk's office bit the bullet, took up the slack and did a fantastic job in assisting the County in a dire situation. We are here today not because we need an additional employee in the finance department, but because we must have an additional employee in the finance department. To give you an idea of the work that is involved in the finance department of the Magistrate Court, and bear in mind we only have person in that department at this time, last year we had revenues of \$1,225,000. We had distribution for restitution not counting that of \$124,000 and criminal restitution of \$248,000. Not only does this one employee must receipt all of this money coming in, she must then log this in, account for it, deposit those funds and then the work really begins. The funds must then be distributed to the all the agencies in the State and the County. Last year we paid to the County \$1,030,000. In addition to that, we paid \$81,000 to ADR. More than any other court in Chatham County. We then have to file each week reports. The finance department must make disbursements of all the restitution and all the revenue on a monthly basis and on the restitution on a bi-weekly basis. We cannot maintain the quality of service that the citizens of Chatham County are guaranteed by the Constitution of the State of Georgia and the statutory mandates that tell the Magistrate Court what services must be provided. We are here because we cannot maintain the checks and balances in the finance department with one employee. God help us if our deputy –, Chief Deputy Clerk, Ms. Pam Blake, is ever sick or out because we will be in a desperate situation. I come before you with my hat in my hand this morning and a little thing else. I'm delivering this morning to the County one month's revenue of \$81,000. All we're asking is a small percentage of this one month's revenue to come back to Magistrate Court for this employee. There was no other court in Chatham County that was forced to terminate employees last year to balance the budget. We terminated three employees. Those positions are still open. We are not asking that those three positions be filled. We are asking for one entry level employee. This is not something that will give us a luxury. It is something that will give you and give us and the citizens of Chatham County what we need, and that is a proper check and balance system in the finance department. I beg you when you are deciding this issue, please do not be penny wise and dollar foolish. This is an absolute must that we have to have this employee. We have been skating on thin ice for a year in this department. We cannot continue to take this risk. I beg of you to please

strongly consider this position and please allow us to add this one employee to the finance department. I'd be happy to answer any questions that you may have.

Chairman Hair said, Judge, I would suggest to my fellow Commissioners that we take this as information and consider it in the overall. I don't think we're prepared to make any action today since we haven't, you know, approved the budget, but –. Judge Bazemore said, I understand. Chairman Hair said, – I think that we would certainly consider this along with everything else when we get to that budget adoption. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno asked, do you know what your actual budget was for 2001? Judge Bazemore asked, asking budget? Commissioner Rayno said, the actual budget. Judge Bazemore said, actual budget, I think I can give that to you. It was \$871,860. This year your proposed budget, including the cut, is \$864,010. We're asking that the \$28,000 be added back, which would be \$892,010. Commissioner Rayno asked, were you aware that at the end of the year you had \$69,000 in your salaries and wages that hadn't been spent? Judge Bazemore said, if we had \$69,000 that had not been spent, it does not reflect in the reports that I have seen, Mr. Commissioner. Commissioner Rayno said, it seems to me that you probably had enough money to hire an employee, but you didn't. Judge Bazemore said, I do not believe that to be a correct statement, sir, but I stand to be corrected if you have the information that we had \$69,000 in surplus. I do not believe that to be correct, but I would stand corrected and we would be more than glad to use that \$69,000. We could even replace two employees then, although we're only asking for one. So I would be most appreciative if you would look at these figures very strongly.

Commissioner Rivers said, Mr. Chair. Chairman Hair said, Commissioner Rivers and then Commissioner Murray. Commissioner Rivers said, Russ [Abolt], I would like to find out from Finance if he had a \$69,000 surplus how did they arrive at that whether it was from not filling those positions that he did not fill. County Manager Abolt said, you've hit on it. Permit me and we'll do a complete analysis when you come back to take your final action, but you recall when you made the 11½% cuts, you allowed maximum discretion in each department as to how they would made that mark. In the case of Magistrate Court, as with several other departments, they chose not to fill positions or fill them later in the year, and that's what you're seeing right now. The Judge is coming forward and in effect what he's asking for is kind of a lock on this position that regardless of what happens with the budget that somehow he is guaranteed that they will not have to make those 11½% cuts this year in the next year. Commissioner Rivers said, okay. In addition, would you give an analysis of all those departments that we had surpluses in salary as a result of the freeze in savings if that's necessary. It may not be necessary. County Manager Abolt said, sir, I'll do anything you want me to. The caution I offer now, you know, until we actually –, we've heard about this fiscal year, until I have the audit in hand, all we can do is make some assumptions.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, that was basically my question, but if in fact that money is there, then he could certainly go ahead and hire that individual. Commissioner Rayno said, it's not been audited yet.

Chairman Hair said, not only that, he's actually creating a position, Commissioner Murray. That's different than filling a position that's already authorized. He's asking for a brand new authorization. Commissioner Murray said, I don't think so. I think he's asking for one that he's –, he has the position, he just hasn't filled the position. Is that correct? Judge Bazemore said, that is correct, Commissioner Murray. We have three open position and we want to fill one of those open positions, but it will be filled with an entry level person. Chairman Hair asked, what is the position now? Judge Bazemore asked, what is the position? Chairman Hair asked, what's the title of the position now? Judge Bazemore said, the position of the three that were terminated were deputy clerks. What we're needing is a deputy clerk in the finance department, but it is not a –, I allude to a new employee. What I really should allude to is an employee to fill one of the three vacant positions. Chairman Hair said, but you're also asking for a different title for that position. Judge Bazemore said, well, not necessarily. Chairman Hair said, well, you just said a deputy clerk at entry level. Judge Bazemore said, that is true. Chairman Hair asked, well, that's a new position isn't it? Judge Bazemore said, no, the other three were deputy clerks also. We're –. Chairman Hair asked, is this going to be a deputy clerk position? Judge Bazemore said, it will be a deputy clerk position. The deputy clerk will work in the finance. The person who works in the finance has the title now of deputy clerk. We're asking for an additional deputy clerk to fill one of the open three positions. Chairman Hair said, I think it's appropriate to take it as information, as I said earlier. Let's think about it and not make any –. The Judge is not –, I don't think we can make any decisions today. We just need to look at all the ramifications of it, and we certainly will take it into consideration at that time.

Judge Bazemore said, thank you, Dr. Hair, and thank you, Commissioners. Chairman Hair said, thank you, Judge. We appreciate it very much, sir.

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

Received as information for consideration.

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#### **VII. COMMISSIONERS' ITEMS**

**1. BOARD OF ASSESSORS (COMMISSIONER KICKLIGHTER).**

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I would just like to ask for a resolution to ask the Board of Assessors to provide this Commission with a written explanation on the latest problems with evaluation at The Landings and include any other areas that may be experiencing similar problems, and I'd like for them to include four specifics, how will they solve the problem and who is actually responsible for the problem, how it happened, and the cost to fix the problem. And I put that in the form of a motion.

Chairman Hair asked, do I have a second? Commissioner Murray said, second. Commissioner Rayno said, second. Chairman Hair asked, any discussion on the motion?

Commissioner Murray said, yeah. Did you have in that, and I think you did, I just want to make sure that when we get this that if there's any other area out there that there potentially will have some of these same problems that those are addressed and we're aware of them up front. Commissioner Kicklighter said, yeah, I said and include any other areas that may be experiencing similar problems.

Chairman Hair asked, any further discussion? Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters asked, could you attach a date certain, perhaps maybe by our next meeting that that report be prepared and provided? Commissioner Kicklighter said, that's fine. I'll amend my motion to include that.

Chairman Hair asked, can that information be gathered in two weeks without a problem? I mean -. Commissioner McMasters said, well, they produced the other one in 10 days and it was a much more complex problem.

Commissioner Kicklighter said, and if not, appear before us and explain why.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I'd just like to add for the record in April of 2000 we met with the two prior Boards of Assessors and I complained about 455 Oglethorpe -, Mall Boulevard, which is Oglethorpe Place. A gentleman there had a condominium that's not changed size since it was built, and he complained that he was appraised at having a value of 1,700 and some square feet at his place. Gary [Udinsky] went back out and on May 2<sup>nd</sup> of 2000, Gary [Udinsky] sent me a listing of all the different square footages of that property and he corrected the square footage on this particular property and said that the square footage was in the 1,400 and some odd square foot range and we thought that that would be the end of the problem. But more and more misappropriations of square footage came on and so on November 2<sup>nd</sup> of 2000 I met with the Board of Assessors and complained about 455 Oglethorpe Place and they said that they would take care of it. And now this year they've come back with a new square footage for this place, which has not changed size, for 1,500 and some square foot, and it keeps changing. This thing grows, it shrinks, it gets bigger, its smaller, and Gary Udinsky's the one that gave us all those square footages on this place and now they keep changing again. Chairman Hair said, okay. Commissioner Rayno said, and this is the supervisor who's caused all these problems, and how long are we going to keep him running this operation when he continues to make mistakes?

Chairman Hair said, well, I think the purpose of the motion was for the Board of Assessors to make an assessment and tell us what apparently you've already decided. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, well, I guess you don't want to have a whole lot of discussion on this so I'll be very brief. But I for one am tired of waking up ever morning and finding another headline about the Assessor's office and the problems associated with it, and it's not just one isolated incident, it's a string of events and I think this report is necessary. I do have confidence in this new board. They've performed very well and I hope that they will perform as well and prepare this report that Commissioner Kicklighter's asked for. I think it's urgent and I certainly endorse it.

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

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved that the Board adopt a resolution asking the Board of Assessors to provide this Commission by its next meeting on August 9, 2002, with a written explanation on the latest problems with evaluations at The Landings and include any other areas that may be experiencing similar problems, and include specifically (1) how will they solve the problem, (2) who is actually responsible for the problem, (3) how it happened, and (4) the cost to fix the problem. Commissioners Rayno and Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

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**CHATHAM AREA TRANSIT AUTHORITY**

The Board recessed as the County Commission at 9:18 a.m., and reconvened as the Chatham Area Transit Authority.

The Chatham Area Transit Authority was adjourned and the Board reconvened as the County Commission at 12:35 p.m.

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**VIII. TABLED/POSTPONED ITEMS**

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

- \* 1. **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.**  
**AT MEETING OF JULY 12, 2002, MOTION TO APPROVE FAILED. RECONSIDERATION WAS REQUESTED BY COMMISSIONER ODELL TO BE CONSIDERED ON JULY 26, 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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Vice Chairman Thomas said, I believe I was told by the Chairman that this particular item is now moot.

Commissioner Odell said, it's really not, Madam Chair, and let me tell you why it's not. It's my understanding that Mr. Hart has ruled that we cannot have a second reconsideration assuming that the motion was identical. If there's a modification of the proposal, then it could be brought back. Is that correct? County Attorney Hart said, well, the way Robert's Rules of Order reads is it has to be a substantial modification, which means that when you go look at substantial modifications, you're talking about something that changes the scope of the context of the original motion of a sufficient degree that it could be considered almost as a new motion. Commissioner Odell said, absolutely and I would submit that we leave this on the table until the Chair is here –. Vice Chairman Thomas said, until the next meeting. Commissioner Odell said, – and our department head is here and there will be a substantial change.

Commissioner Murray said, that's fine. We'll just move on to the next item then.

**ACTION OF THE BOARD:**

At the request of Commissioner Odell, this item will be considered at the next meeting with the Chairman is present and there will be a substantial change in the motion.

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**PERSONAL PRIVILEGE - COMMISSIONER ODELL**

Commissioner Odell said, let me ask a point of clarification. I had asked that –, and I don't know if you got the request, I had asked them to fax it in. There was concerned about Blue Cross/Blue Shield. I wanted to be put down under Commissioners' Items. County Manager Abolt said, I did not receive it, sir. Whatever you want to do now. I know you sent a letter, but I've never seen any agenda sensitive, but it's up to you. Commissioner Odell said, as a point of personal privilege, I had an employee –, because I'm always at the Courthouse employees of the Courthouse contact me –, and there was an individual in the Tax Commissioners' office that had an experience regarding Blue Cross/Blue Shield and she wanted to share and asked that it be put on under Commissioners' Items simply to allow her the opportunity to share the experience, and she has been here and has waited and I'd like to amend the agenda to allow her to speak. It will only take five minutes. Commissioner Murray said, I second his motion to allow it.

Vice Chairman Thomas said, all those in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried.

Commissioner Odell said, and she is here and if you could give your name, your department and briefly outline what happened. My current secretary I was fortunate enough to steal from Danny Powers because we pay better than what that office does, and she knows my office manager.

Ms. Rita Tyler said, good afternoon. My name is Rita Tyler, Tax Commissioner, Chatham County. I just wanted to give my personal experience on the switch over from SBG-USI to Blue Cross/Blue Shield. At the presentation and orientation there were several things that County employees had presented out of concern, and since the July 1<sup>st</sup> switch I have had a couple of incidents that have not been very comfortable with myself. Recently was my child was sick. I took her to the primary physician on Friday. She was diagnosed and given medication. That Sunday she progressed with other conditions that had occurred. At the time it was Sunday evening at eight o'clock and it progressed at ten o'clock. I proceeded to call the St. Joseph's Care Center and talked to a nurse there. She did a triage, recommended I take her to the emergency room. My concern there was because at the presentation and orientation it was indicated that do not use the emergency room any longer unless it was a life-threatening situation. I did not feel it was life-threatening, but the condition had progressed. I called the primary doctor's number and talked to a nurse there, did the triage again. She recommended I take her to the emergency room. So I called the emergency --, let's see, the Blue Choice On-Call number on the card and talked to the person there, told her the situation, told her I'd already talked to St. Joseph's Care Center, I'd talked to a nurse there, she did a triage and recommended I take her to the emergency room. I called the primary physician again. Same thing. She wanted to do another triage and I told her I didn't feel that was necessary. My question to you, since you're connected with Blue Cross/Blue Shield, I want to know if I take her to the emergency room will the expenses be covered under the benefit plan because I'm a single mother of three children and my finances are limited. I cannot afford a full cost emergency care visit, but I wanted to get my daughter's medical condition [inaudible].

Commissioner Murray said, I could be wrong, but if I understand the plan correctly, and I don't know whether you're on PPO or HMO, that if you go to the emergency room it's a flat fee, and if they admit the individual, the patient into the hospital at that point, then it's fully covered and that flat fee is reimbursed or overridden. Is that correct? County Manager Abolt said, I need Mr. Hardeman or Mr. Mahoney --. Commissioner Kicklighter said, that sounds right to me too, but that's something we can ask our --. Commissioner Murray said, that's the way it was explained to me.

Ms. Tyler said, okay. I'm with the PPO plan. I had wanted to go HMO but because some of the physicians that a pre-existing that another child of mine has I had to select PPO because the physicians that had been attending his situation were not under the HMO plan. So I had to select the PPO plan. On paper it says that there's a \$100 co-pay and then 90% coverage --. Commissioner Murray said, if they --. Ms. Tyler said, -- if it was considered a medical emergency. The lady that I called under the Blue Cross Blue Choice On-Call asked me was she having difficulties in breathing. I explained to her no, that it wasn't --, I didn't feel it was life-threatening. She said, "Well, then you could be looking at a full cost out of your pocket, you know, if you take her to the emergency room." I told her that the nurses I had already spoken to were willing to submit by fax to the hospital that that was their suggestion and according to protocol that I needed to take her. She told me that it had to be a doctor not a nurse.

Commissioner Murray said, I would recommend that --, I don't know whether she wants to get with you and that y'all get her in touch with Frank Hardeman, he's the plan administrator. County Manager Abolt said, before she leaves the building I'll have Mr. Mahoney --, what I'll have to do is before she leaves the building, I'll have Human Resources get Mr. Mahoney on the line and he can give her the answer directly.

Commissioner Odell asked, and can we also take it a step further? Her question was good and we probably have many employees in that situation. If it's not just a isolated point, it might have broader benefit to other employees. Can we get an answer to that particular question so that --. County Manager Abolt said, if you'll give me time before she goes back to her place of work, I'll have Mr. Kaigler and his staff meet with her, call Mr. Mahoney's office. He promised to give us answers, and if she leaves right now with an answer to your question, then we'll have a follow-up. Commissioner Odell asked, and we'll know what the answer is too? Commissioner Murray said, we were told that it's a flat fee and it may be the \$100 when you go to the emergency room. County Manager Abolt said, we'll get a response from Mr. Mahoney.

Ms. Tyler asked, may I also add a point to that? Under the SBG - USI I had in the past four years had to use emergency room visits under the old plan. I did not pay any co-pay and it was 90% coverage, and only one of those incidents resulted in a hospital stay. And on paper it says that under the old plan there was a \$75 co-pay.

Commissioner Kicklighter said, that changed last year. We changed that where it went to \$75 because some people were using the emergency room in non-emergency situations so you probably went to the emergency room prior to that, but --, yeah, that was last year when it went to a \$75 flat fee --. Ms. Tyler said, okay. Commissioner Kicklighter said, -- and this year we changed it, and like they said, if you were told, which I believe you were told because you said, we definitely did not approve what that person told you on the phone, so I think we all appreciate you bringing that to us and we'll check it out and --.

Ms. Tyler said, well, I would also like to mention, too, that at the orientation/presentation that I had brought up a couple of concerns, one again was the pre-existing condition. My personal opinion as far as my dealings with the Blue Cross/Blue Shield customer service quality is very poor compared with USI. You know, I do not like the answer that I was given. One, in fact, was that if you don't like the situation, you don't have to sign the contract, you can go to a private insurer. Okay, that is to me poor quality customer service. You know, a lot of us don't have the finances to be able to go and/or the time that was allotted to us to seek additional or other health benefit care.

Commissioner Rivers said, Madam Chair. Vice Chairman Thomas said, yes. Commissioner Rivers asked, can Mr. Kaigler probably answer some of it or give her some clarification? Commissioner Odell said, I don't know if right now without having Blue Cross involved if Michael [Kaigler] can answer the question. What I still would suggest and think is

a good idea is that if Michael [Kaigler] got with this young lady and got with Blue Cross to have gotten the answer, and if they are of a general nature that might be beneficial to other employees, that we know about it. Okay? County Manager Abolt said, that's right on because Mr. Mahoney gave us --, gave me his word he would be available to do just this thing, so again before she leaves the building, I'll have Mr. Kaigler meet with her. They'll place a call to Mr. Mahoney.

Vice Chairman Thomas said, I think that's a good way of dealing with that. Commissioner Odell said, thank you for bringing that to us. Vice Chairman Thomas said, thank you very much. Ms. Tyler said, thanks for allowing me to. Vice Chairman Thomas said, thank you, Commissioner Odell.

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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. BOARD CONSIDERATION OF ZONING BOARD OF APPEALS FEE SCHEDULE.**

County Manager Abolt said, Dr. Thomas, gentlemen, this was an issue that was brought up at the time when you were discussing other issues. I believe Commissioner Murray initially brought it up. You wanted an evaluation of why we do what we do and the reason we've done it overall has been that this previous Board made a decision to shift off of property tax and go to user fees, and those user fees are reflective of the actual cost in the service. MPC staff is here to discuss the experience shown as far as the number of applications received and the actual fees received. You did make a further refinement here a year ago where for the single family residential homeowner you've lower that fee, but what you have here is a balance, and the reason we balanced the budget in past years is we said that where is user is the beneficiary of a service, then the property taxes should not be used to subsidize that service.

Commissioner Murray said, well, my question is what is our actual cost for someone to come through this process? What are our real costs? Is it just advertising? What is it? Mr. Clyde Wester said, it's \$1,180. Commissioner Murray said, well, I said what was --. Mr. Wester said, except for single family. Commissioner Murray asked, what was our real cost to us, the County government? Mr. Wester said, right. When the fee schedule was set, we were asked to determine the actual full cost of providing the service, and that's what we did. County Manager Abolt said, if you go --. Commissioner Murray said, I just cannot believe that it costs this County \$1,180 for an individual to go to the Zoning Board of Appeals. Mr. Wester said, okay. County Manager Abolt said, if you look --, Mr. Wester, direct them please to the last two pages of your attachment where we've identified the cost. Starting in the middle of the second to the last page.

Commissioner McMasters asked, Russ [Abolt], are you referring to the line that says, "The remaining amount is to cover costs associated with processing the application." County Manager Abolt said, no, sir. There's an attachment to the staff report, sir, and if you look, and it's an unnumbered page, if you look at the entire document that includes the enclosure --. Commissioner Murray asked, does it start off with "2. The Board of Commissioners has identified....?" County Attorney Hart said, no, it starts with "Of the fee, \$120 ...." County Manager Abolt said, here it is. It's the attachment. Commissioner McMasters said, I don't have an attachment. Commissioner Murray said, that's the page I just asked you if it was and you said no. County Manager Abolt said, I'm sorry. Commissioner Rivers asked, what's the number? Commissioner McMasters said, it's unnumbered. Second to last page.

Commissioner Murray said, let me ask you a question. Tell us what our costs really are. What is the cost? Mr. Wester said, one thing if I could mention keep in mind is that it is an average cost, and that's an important thing to remember. Some of these petitions [inaudible]. They're so excessive that it would be, say, an aberration. I don't think it's given overdue consideration in calculating the cost, but some applications require more time than others. I think this is a legitimate average of the cost for this service.

Commissioner Rayno said, it may be helpful to break down that \$1,060 to see what it would be. Mr. Wester said, perhaps I could mention also that does include the advertising cost that's incurred by the Building Safety Department. That does include --. Commissioner Rayno said, \$120 for advertising. It's the remaining \$1,060 that's all lumped into this. It would be helpful to break that down because then we could make the determination of whether or not it is fair or not.

Commissioner Murray said, we've got two issues here. We've got one, and that's for the large development appeal. I would assume more than a single family is \$1180, and then we've got a single family, single owned piece of property that's \$420. What I'm trying to find out, and I still am not getting an answer, is how do you arrive at the cost to determine this is what it costs us to process an appeal, and what we're doing is we're discouraging somebody from appealing a decision that's made, and that's not the purpose in what we try to do. Mr. Wester said, well, it's certainly not the purpose is to discourage decisions. I probably should point out that the number of applications has dropped. Commissioner Murray said, well, I guess it has. [Unintelligible comments were made when several individuals are

speaking at the same time.] Mr. Wester said, and, of course, we're not comfortable with that either because that means that perhaps the function of this review process is being compromised. I know when people choose to take their chances rather than go through the process, that's not what we want to see happen. And we hope that curve will be –, will change some time in the future.

Commissioner Rivers said, correct me if I'm wrong. Wasn't –, when we set those fees and stuff, didn't we go down and have a schedule out of what it –, because this has been before us before, and I think we made the final determination based on whatever it was that was given to us, we based our judgment on that to approve it because Frank [Murray] raised the issue before.

Commissioner Murray said, Jon [Hart], I was talking to you earlier and you were telling me that the actual cost was somewhere around \$240 total to do one of these. County Attorney Hart said, well, I don't know what the actual cost was. If you take those items that are on that next to the last page and try to say how much for, you know, review of this and how much for review of that, but at the last meeting you tried –, you indicated that you wanted to try to get a feel for where that fee ought to be. I think that the MPC tried to look at each of these categories and figure the entire cost and then spread the cost over whatever the amount was they needed to derive at, and then this Commission last year some time made a decision that the \$1,180 fee was just too high for single family residential and lowered it to \$420. In preparation for today's meeting, I went back and looked at what the fee structure was before we even started down the user fee path. I think without question we've got \$120 advertising fee that is an absolute fixed cost, not variable, that's charged by somebody else. In going back and looking at the old ordinance, we had another \$120 fee for processing the application under the old fee structure, which would put us, if we recovered the cost and recovered –, and charged back what we were charging at the old fee, it would put us at about \$240 and this morning, just to kind of get a feel for where that number stood in relationship to other numbers, we checked what it cost to make a filing in the Superior Court, and it's a lot easier to file something in Superior Court because it's not reviewed by anyone until it gets to the Judge. It's just a strict filing fee for acceptance of those papers and it costs you \$95 to file something there. So that's, you know, I don't think that that addressed the underlying issue of what real costs are, but it does give you some sort of an observation outline. Commissioner Murray said, well, let me ask another question on it then. If a developer comes in or a property owner comes in to MPC and petitions MPC to rezone a piece of property to go through the –, to start the process to go through it, what does that person charge to go through that process? Mr. Wester asked, to rezone the property? First of all, Commissioner –. Commissioner Murray said, if you had a –, if I had a single lot that I wanted to get rezoned to do something with –. Mr. Wester said, okay. Commissioner Murray said, and I submitted an application with MPC to go through that, what would I have to pay to do that? Mr. Wester said, okay, well, one point before I get to the cost, the application is made to the County's Building Safety and Regulatory. We don't collect these fees or administer the fees in any way. So –. Commissioner Murray said, I understand that. Mr. Wester said, the price though that you're looking for, I think, is \$2,200 if I'm not mistaken. Commissioner Murray said, you mean, if I had a small lot that I wanted rezoned –. Mr. Wester said, rezoning would be \$2,200.

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters said, sir, could you tell me from the –, there's a City of Savannah Zoning Board of Appeals and –, do you know what their fee schedule or thinking is? Mr. Wester said, it's –. This is Melanie West with our staff. I can't give you a number. It's nominal compared to that, to the \$1,200 [sic] that the County charges. It's –, it might be under –, on the order of \$100 or thereabouts. They fund the service from their general fund. It's not –, the City doesn't have a cost recovery or user fee system. It's \$100 or thereabouts, sir. I may be wrong. It could be \$150. Commissioner McMasters said, thank you. Russ [Abolt], do you have any idea how much this generates the County? County Manager Abolt said, yeah, well, I can get it for you. We –, it isn't –. Commissioner Murray said, it's right here. \$9,400. County Manager Abolt said, yeah, if you look at –. Commissioner McMasters said, \$9,400 a year. County Manager Abolt said, number four. That –, there is an important to raise in why we differ from the City of Savannah and why we've ended up in Superior Court and why other governments in parts of the country in which you are most familiar with have found long ago that certain functions of government are legitimately costed to the people receiving benefits. So a couple of years or two or three years ago the previous Board made a decision to stop the property tax subsidy and to, in effect, create user fees so the people benefitting from that paid for it. The problem we get and the questions we cannot, in effect, answer precisely what does each individual case cost the reason being obviously it's going to vary based on the conditions and the need to see things in the field and stuff like that. But the philosophical issue has been upheld and is upheld nationwide when government says property tax –, why are the general property taxpayers subsidizing a land use action that in most cases, I'm not talking about ZBA, but in most cases creates wealth? And the courts have held nationally that is a legitimate cost of doing business. Therefore, the person who stands to benefit is –, can be charged for that. This County took the lead and you did it, and it's been held up in court. Where we have the problems are in the fine tuning on matters like ZBA. Our problems are this. We've told MPC we are no longer going to fund you to the level that we have in the past with property taxes, it must come from user fees. Commissioner McMasters said, well, two points, Russ [Abolt]. I think the same argument might be made on –, and not to bring up mass transit again –, but we are subsidizing mass transit and it's something that we have to do and it's something that we should do, and in this situation I just want to suggest from a bigger perspective that we may be penny wise and pound foolish because going into the LOST negotiations the big argument from the City of Savannah is that they pay for M&O and M&O countywide should cover everything and anything, and we're going in saying our jail cost basis, those costs need to be, you know, that it's not going to be picked up through M&O. Well, here's a perfect example where they can –, where they can point to us and say, "You don't even provide a simple process." County Manager Abolt said, sir, I disagree. I mean, I disagree philosophically with the argument, and I don't mean this unprofessionally. You have every right as an elected body to say the property taxpayers do not have to subsidize certain things, and those things are associated primarily when a person is advanced in wealth and standing, whatever, usually in development, and the courts

have held you can charge user fees. You don't have to subsidize that. Why should the general taxpayer, why should somebody living on Wilmington Island subsidize a development based on a land use fee from somebody on the Westside? Commissioner McMasters said, well, Russ [Abolt], we're talking about \$9,000 here. I'd much rather -. County Manager Abolt said, seriously I'm not arguing that, sir. If you want to dispose of this issue and say, you know, in effect to handle this one differently, fine. But don't -, excuse me. My strong recommendation, don't get caught up in this issue that the property taxpayer has to subsidize it. They don't and shouldn't in my estimation. Commissioner McMasters asked, but isn't the City of Savannah making the argument that all property taxpayers in the M&O budget needs to fund all the prisoner costs? County Manager Abolt said, I don't see -, I don't see that. Commissioner McMasters asked, you don't see that in the LOST negotiations? County Manager Abolt said, sure I do. I don't see the transposition of that argument to this. Commissioner McMasters said, I'd rather win that argument and lose this one. County Manager Abolt said, I don't -, my profession opinion, the two are not related.

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

Commissioner Kicklighter said, thank you. I believe this is a SSD item, right? County Manager Abolt said, yes, sir, it is. Commissioner Kicklighter said, so it has nothing to do with the M&O. Commissioner Murray said, no. Commissioner Kicklighter said, which is what he's talking about. Jon [Hart]-. Commissioner McMasters said, I'm sorry. Commissioner Kicklighter said, what I was pointing out is this is an SSD item, Special Service District item, not an M&O item. Commissioner McMasters said, okay. Commissioner Kicklighter said, so one thing and my only problem I guess with the fee was my concern before when we originally wrote it is it discourages so many people from appealing it that we're actually losing money from the general taxpayers because we still have to have the same amount of employees there whether or not they're working a lot or a little, and I, you know, I would be curious to see if revenues actually increased by us reducing last year when we did for the single family to appeal, if revenues increased because I would bet that it would, and it did, and I would believe that the appeals would possibly increase in this case if it was reduced, not down to, you know, but I'm like you, I agree with you wholeheartedly. I don't want the general taxpayer to have to pay for creating business, you know. County Manager Abolt said, this comes out of the category of fine tuning. Commissioner Kicklighter said, right. County Manager Abolt said, and if you wish based on the justification that [inaudible] the majority are to artificially lower the actual cost, realizing SSD will pick up the difference, that is your choice. I do not want you in that motion though, if you choose to make it, that in effect we lose a basic philosophical strategy that the previous Board's adopted. We -, in my humble estimation, it is not necessary for property taxpayers to subsidize land use activities. Commissioner Kicklighter said, and I agree. I will not vote to change the fee unless I believe that the lower fee would actually generate more revenues because more people would appeal it and we still have -. County Manager Abolt said, that's a very valid point. I don't want to be defensive about it, I just don't want you in the movement here to lose the bigger issue. Commissioner Kicklighter said, right, right. And do you have an answer to my question, did revenues go up by reducing it last time? Mr. Wester said, I'm not sure. It was only reduced last year and I'm not sure we have enough there to draw a conclusion. Our projection is that the number of petitions would go up by a few this year over last year. A substantial number of our petitions to the Board of Appeals are single family owner occupied petitions, and so if the -, the lost of fees, you know, is substantial because a fairly high percentage of the applications fall in that category. I should point out to you perhaps that our figures that Melanie [West] has given indicate that overall for this entire development review program that's provided at MPC, that fees collected by the County the last fiscal year should have been about \$270,000. So the Board of Appeals is a low, is a relatively low number, but the -, for the entire development review services, I'm talking about rezonings, site plan reviews, subdivisions, addressing a lot of other things, it adds up. So, make sure that it's not pocket change that we're talking about. Commissioner Kicklighter said, okay. I'd like to ask if Commissioner Murray would allow -, well, not allow -, would ask y'all to get those numbers, if there was actually an increase and then us make some of type of decision after seeing that.

Commissioner Murray said, I don't have a problem with that, but before we do that, I want to know if, say, I went to the MPC or wherever I had to go and I was denied and I wanted to appeal my single lot property to the Zoning Board of Appeals, what has to be done as far as staff at that point? I'm talking about paid staff. The Zoning Board of Appeals is not paid, they're volunteers. Mr. Wester said, well, Commissioner Murray, I'd have to refer you again to the description in the background report that shows, you know, that tends to outline step by step all that happens in the process on one of these appeals applications. Some of them result in a neighborhood meeting and some of them result in telephone calls -, conversations with the neighbors within two or three blocks, et cetera. Some of them don't generate that much activity. Again, we're giving you an average, but to make it real short, someone would visit the site of your home, we'd have to send somebody out to do a field survey to prepare a map and a written report for the Board of Appeals -. Commissioner Murray said, hold on right there just a minute. But you have already done all that supposedly when they first applied and were denied -. Mr. Wester said, oh, I'm sorry. I misunderstood. Commissioner Murray said, I'm talking about once you're denied and it goes to the Zoning Board of Appeals. You've already done all that process. Mr. Wester said, yeah, I'm sorry that I don't understand. Where were you denied or what were you denied? Commissioner Murray said, we'll stop and I'll talk with [inaudible], okay. Mr. Wester said, if I could back up one second. I'm sorry. I'll try to be more responsive, but most applications for a single family residential property are going to be for a building setback, you know, front yard setback or side or rear yard setback, construction of an accessory building on the lot, that kind of thing. That's the kind of appeal that normally we get for a single family residential. Commissioner Murray said, yeah, but what I'm saying though, don't they have to go through the original process first to ask through the MPC or the County Commission or somebody? Mr. Wester said, no, those -, the types of appeals that I'm talking about go directly to the Board of Appeals. They're appeals for variances from the standards of the zoning ordinance.

Commissioner McMasters asked, are they appeals because they've been denied at some other venue? Mr. Wester said, no. No, those aren't appeals -. Commissioner Kicklighter said, they're appeals because our ordinance prohibits

that so they have to appeal. County Attorney Hart said, they say they can't discuss that issue. Generally, they'll say our act doesn't allow you to --, you've got a 15-foot side yard setback, you're asking for 7, we don't have jurisdiction to give you 7, that's the Zoning Board of Appeals, go to the Zoning Board of Appeals.

Commissioner Murray said, yeah, but didn't we just decide at the last meeting the Zoning Board of Appeals doesn't have the authority to tell them they can do it or not do it? County Attorney Hart said, the Zoning Board of Appeals has the right to make variances within the guidelines of the ordinance but not review carte blanche development plans.

Vice Chairman Thomas asked, are you through, Commissioner Murray? Commissioner Murray said, I probably am for the time being, but I guarantee you it's going to come back up.

Commissioner Kicklighter said, I'd like to ask if you could please provide us with that information to see if we actually increased our revenues by lowering it last time because I think we probably did. Commissioner Murray said, I don't know whether these numbers are accurate or not, but the year 2000-2001 the number of applications 13 and generated \$10,860. In 2001-2002 there were 17 applications and \$9,490. Mr. Wester said, well, that's the reduction for a single family residential petitions, and a lot of them are single family residential petitions. That's why, Commissioner Kicklighter, we could work up some numbers, but basically it's not going to show an increase. It's too high a percentage that are single family residential, so it's going to be a loss of revenue. I'll just mention that I'm --.

County Manager Abolt said, we candidly admit that the very issue you're alluding to people will say, well, you know, flip a coin, and if they're not the most responsible of citizens, they'll say I'll wait until I get caught.

Commissioner Murray asked, how did you arrive at the cost? How did y'all arrive at the cost? Mr. Wester said, by a very tedious exercise that involved looking at our average, you know, looking at who the people are on our staff that are involved and how much time they spend on an average petition, and it was tedious and it took a long time to do it and there's an awful lot of documentation.

County Manager Abolt said, and I don't want to --, just under the umbrella of the court case, but also remember we've been to court on this --. County Attorney Hart said, we still are. County Manager Abolt said, in the Supreme Court, but we've had to defend it based on specificity, so I'll ask the County Attorney to respond. County Attorney Hart said, basically what we did was this Board decided that they wished to quit subsidizing the MPC through the general property tax rolls and made a policy decision that henceforth you would institute a user fee, and the user fee would reflect the costs necessary to generate that type of activity as a whole, and that cost would be spread across the parameters of everything that the MPC does and the department of regulatory services is --, that does, and what that effect has is that removes that as a budget item that must be addressed each year by raising revenue through the property taxes and places it back in the situation where it is no longer addressed in your general budget, but is addressed through the fees. The only main problem is that you have on a fee-based structure is during good economic times you generate revenue; during bad economic times the development business goes in the tank and you have slower amounts of development fees that are collected, but the fixed cost of operating that type of institution remains the same. We went through a very tedious process, revised our land disturbing activities ordinance and our MPC plan to reflect those costs. The Homebuilders Association challenged us in the Superior Court attacking those costs as not being allowed and constituting an illegal regulatory fee. We were successful in defending that in the Superior Court. We are now in the Court of Appeals on that issue. There have been two other decisions since then and, you know, it's going to be a statewide issue. I think Gwinnett County is facing the situation --.

Commissioner Murray said, I understand what you're saying and I agree with that, but that's not the issue that I've been trying to raise this whole time. The developer that's developing the large tracts of land, that's fine. They're in it for a profit to begin with. I'm talking about the individual property owner that's trying to do something with a variance on their property, whether it's a setback or whatever it is, and they want to go to the Zoning Board of Appeals to have that changed or see if they can get it changed. So --. County Attorney Hart said, this Commission can set whatever fee it chooses. It can make the fee zero if that's what it wants to do, but the point is --. Commissioner Murray said, well, [inaudible]. County Attorney Hart said, the point is there's a revenue --, you know, you're using --, you're capturing that revenue to pay for the cost of service. Commissioner Murray said, \$9,400 for a year. We're capturing a lot of revenue off of it.

Commissioner Rayno said, well, I can tell you --. Can I talk now please? Vice Chairman Thomas said, yes, thank you. Commissioner Rayno said, if you take away the fee then you're going to have every Tom, Dick and Harry trying to appeal. Commissioner Murray said, I don't want to take away. Commissioner Rayno said, if you take it away, every Tom, Dick and Harry is going to come in and try to make an appeal, tie up the time of the MPC and the costs there are going to go up. With this in place, you've got people that are discouraged from just making some kind of haphazard claim, and it's important to have it. The user fees are very important. It's not fair to every single taxpayer in Chatham County in the SSD to have to pay for someone because they want to do something on their property. User fees make all the sense in the world. Commissioner Murray said, and I agree with that provided those user fees are fair and we can say where the costs are coming from. I haven't heard that. Commissioner Rayno said, well, let's table it and then get the information back. There's no point in us haggling back and forth. I make a motion to table for more information. Commissioner McMasters said, second.

Vice Chairman Thomas said, there's a motion to table. Is there a second? Commissioner Kicklighter said, second. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion carried.

**ACTION OF THE BOARD:**

Commissioner Rayno moved to table the consideration of the Zoning Board of Appeals fee schedule for more information. Commissioners McMasters and Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**2. REQUEST APPROVAL TO WAIVE THE HIRING FREEZE FOR ALL CHILD SUPPORT ENFORCEMENT DEPARTMENT POSITIONS.**

Mr. David Lowe said, Commissioners, good afternoon. I'm requesting a waiver of the hiring freeze. All my positions are reimbursed by the State, full salary benefits at 100%, and so I can't charge the State for them unless I can employ them and pay them. I do need the positions. I currently have two positions that are open and so I'm requesting a waiver of the hiring freeze to hire the positions I need.

Commissioner Odell said, I'll move for approval. Commissioner Kicklighter said, second.

Commissioner McMasters asked, are you Child Protective Services? Mr. Lowe said, no, sir, I'm Child Support Enforcement.

Commissioner Murray asked, you said the total salary and benefits and all are reimbursed? Mr. Lowe said, yes, sir.

Commissioner Odell said, I call the question. Mr. Lowe said, it costs you nothing, sir, and you get the benefit of [inaudible]. Commissioner Odell said, and we get the benefit of making people who don't want to pay for their children pay for their children. Mr. Lowe said, yes, sir, so the taxpayers don't have to do it.

Commissioner Rivers said, I call the question. Vice Chairman Thomas said, all right. All in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Mr. Lowe said, thank you very much. Vice Chairman Thomas said, the motion carried.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve a waiver of the hiring freeze for all Child Support Enforcement Department positions because they are 100% reimbursed by the State of Georgia and have no impact on the County's budget. Commissioner Kicklighter seconded the motion and it carried unanimously.

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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.)

Vice Chairman Thomas said, now we come to the Action Calendar. Do we have anything that we would like to hold? Commissioner Odell said, Mr. Rayno. Commissioner Rayno said, I'm glad you recognize I'm a good steward of the taxpayer dollars. Commissioner Odell said, I do. Commissioner Murray said, A and D. Commissioner Kicklighter asked, A and B? Commissioner Murray said, A and D, like a dog. Vice Chairman Thomas said, A and D. Okay, A and D. Any others? Okay.

Commissioner Kicklighter said, I make a motion to approve the balance of the Action Calendar. Commissioner Murray said, second. Vice Chairman Thomas said, all in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved that the Action Calendar be approved in its entirety with the exception of Items 8-A and 8-D. Commissioners Murray and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair 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 JULY 12, 2002, AS MAILED.****ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the minutes of the regular meeting on July 12, 2002, as mailed. Commissioners Murray and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JULY 4 THROUGH JULY 17, 2002.****ACTION OF THE BOARD:**

Commissioner Kicklighter moved that the Finance Director is authorized to pay claims for the period July 4, 2002, through July 17, 2002, in the amount of \$1,049,193. Commissioners Murray and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**3. REQUEST BOARD APPROVE AN AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR LIGHTING OF PHASE IV OF THE TRUMAN PARKWAY AT WHITFIELD AVENUE AND MONTGOMERY CROSS ROAD.  
[DISTRICTS 1 AND 3.]****ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve an agreement with the Georgia Department of Transportation (GDOT) for lighting of Phase IV of the Truman Parkway and Whitfield Avenue and Montgomery Cross Road. Commissioners Murray and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**4. REQUEST BOARD APPROVE A REQUEST FOR EARLY ACQUISITION FROM ST. LUKE UNITED METHODIST CHURCH FOR 9117 WHITFIELD AVENUE DUE TO THE WIDENING OF WHITFIELD AVENUE.  
[DISTRICT 6.]****ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve a request from St. Luke United Methodist Church for early acquisition of 9117 Whitfield Avenue due to the widening of Whitfield Avenue. Commissioners Murray and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**5. REQUEST FROM SHERIFF TO TRANSFER THREE SEIZED VEHICLES TO BULLOCH COUNTY DRUG SUPPRESSION TEAM AND ONE SEIZED VEHICLE TO THE CITY OF SAVANNAH POLICE DEPARTMENT FOR THEIR PARTICIPATION IN DEA CASE G9-02-0027.****ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve a request from the Sheriff to transfer three seized vehicles to the Bulloch County Drug Suppression Team and one seized vehicle to the City of Savannah Police Department for their participation in DEA case G9-02-0027. Commissioners Murray and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**6. REQUEST BOARD ACCEPT AND EXECUTE ELEVEN (11) GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS LOCAL ASSISTANCE GRANTS. NOTE: Money cannot be disbursed until County's budget is adopted.**

- \$100,000 Westside Community Center (for funding)**
- \$23,740 Chatham/Effingham Library (for funding)**
- \$20,000 For construction of a monument to the African-American heritage**
- \$25,000 Anderson Cohen Weightlifting Center (to provide specialized weightlifting equipment for severely disabled athletes)**
- \$25,000 Community Cardiovascular Council, Inc. (for services)**
- \$20,000 Coastal Association of Retarded Citizens (for services)**
- \$25,000 Second Harvest Food Bank of Georgia (for Food and Butter Café)**
- \$35,000 Greenbriar Children's Center, Inc. (for restoration and repair)**
- \$10,000 Head Start Program for the City of Savannah (for classroom)**
- \$50,000 Meals-on-Wheels Program at Senior Citizens, Inc. (to expand kitchen)**
- \$10,000 Community Cardiovascular Council, Inc. (for services)**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to accept and authorize the Chairman to execute eleven (11) Georgia Department of Community Affairs (DCA) Local Assistance Grants as follows: \$100,000 Westside Community Center (for funding); \$23,740 Chatham/Effingham Library (for funding); \$20,000 For construction of a monument to the African-American heritage; \$25,000 Anderson-Cohen Weightlifting Center (to provide specialized weightlifting equipment for severely disabled athletes); \$25,000 Community Cardiovascular Council, Inc. (for services); \$20,000 Coastal Association of Retarded Citizens (for services); \$25,000 Second Harvest Food Bank of Georgia (for Food and Butter Café); \$35,000 Greenbriar Children's Center, Inc. (for restoration and repair); \$10,000 Head Start Program for the City of Savannah (for classroom); \$50,000 Meals-on-Wheels Program at Senior Citizens, Inc. (to expand kitchen); and \$10,000 Community Cardiovascular Council, Inc. (for services). Commissioners Murray and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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**7. REQUEST FOR TRANSFER OF BEER POURING AND SUNDAY SALES LICENSE FOR 2002. PETITIONER: TAMMY L. GLORIA, D/B/A DUCK POND, LOCATED AT 4001 OGEECHEE ROAD. [DISTRICT 5.]**

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the petition of Tammy L. Gloria, d/b/a Duck Pond, located at 4001 Ogeechee Road, for transfer of beer pouring and Sunday sales license for 2002. Commissioners Murray and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Final renewal option to the annual contract to provide concessions at the various County facilities	Parks and Recreation	Riptide Concessions	\$12,120	Revenue Producing
B. Second renewal option to the annual contract to provide security and custodial services at the Tybee Pier	Parks and Recreation	Riptide Concessions	\$31,200	General Fund/M&O - Parks and Recreation
C. Final renewal option to the annual contract to provide right-of-way acquisition services	Engineering	Moreland-Altobelli and Associates	Varies by service	<ul style="list-style-type: none"> <li>•SPLOST (1985-1993)</li> <li>•SPLOST (1993-1998)</li> <li>•SPLOST (1998-2003)</li> <li>•CIP - Road/Drainage</li> </ul>

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
D. Annual contract for "as needed, funds available" basis, model year 2003 Crown Victoria Police sedans	Fleet Operations	J.C. Lewis Ford	\$20,314.27	•CIP-Vehicle Replacement •SSD-Variou •General Fund/M&O-Variou
E. Ten (10) additional disk drives and associated components	ICS	Xiotech Corporation (sole source)	\$38,000	CIP - Y2K
F. Final renewal option to annual contract to provide janitorial service to various Library facilities	Library	Savannah Professional Maintenance	\$54,040	General Fund/M&O - Library
G. Final renewal option to annual contract to provide various paper and chemical supplies	Various	•Coastal Paper Sail •Paper Chemical •Doyle Chemical •Unisource World-wide •Morrison Chemical •Georgia Correctional Industries	Varies by item	•General Fund/M&O - Various •SSD - Various
H. Confirmation emergency purchase and installation of a 7.5 ton heat pump replacement at the Old Courthouse	Facilities Maintenance and Operations	Boaen Mechanical Contractors	\$10,400	General Fund/M&O - Facilities Maintenance and Operation
I. Contract for the Gulfstream Road at SR 21, right-turn lane extension project	SPLOST	Clifton Construction (WBE)	\$112,635	SPLOST (1985-1993) - Gulfstream Road at SR 21
J. Change Order No. 2 to the contract for the design of the Abercorn Intersection Safety Improvements for additional GDOT and City of Savannah requirements	SPLOST	EMC Engineering Services	\$49,420	SPLOST (1993-1998) - Abercorn Safety Project
K. Annual contract with automatic renewal options for two additional one-year terms for specialized landscaping and lawn care services	•Tax Commissioner •Police Annex •Board of Equalization •Department of Building Safety •Aquatic Center	Coastal Center for Developmental Services	\$16,600	•General Fund/M&O - Tax Commissioner •General Fund/M&O - Board of Equalization •General Fund/M&O - Aquatic Center •SSD - Police •SSD - Department of Building Safety
L. Annual maintenance agreement on 13 Canon scanners	ICS	Palmetto Microfilm (sole source)	\$13,286	General Fund/M&O - ICS
M. Annual maintenance agreement on robotic tape backup system	ICS	Spectralogic (sole source)	\$13,745	General Fund/M&O - ICS
N. Demolition contract for the removal of five underground storage tanks	SPLOST	Elite Trucking and Construction, Inc.	\$22,575	SPLOST (1985-1993) - Truman Parkway Phase IV

**As to Items 8-B through 8-N, except Item 8-D:**

Commissioner Kicklighter moved to approve Items 8-B through 8-N, except Item 8-D. Commissioners Murray and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

**As to Item 8-A:**

**Final renewal option to the annual contract to provide concessions at the various County facilities; Parks and Recreation; Riptide Concessions; \$12,120; Revenue Producing.**

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, I'm in favor of this. I just --, the reason I pulled it, does this include the Tybee Pier? County Manager Abolt said, no, sir. You haven't had a chance to read your mail yet, but it does not include Tybee Pier. Commissioner Murray asked, why doesn't it. County Manager Abolt said, the Tybee Pier contract runs towards the end of the year and there's other issues regarding the liquor license we sent you back on information. Commissioner Murray said, no, I haven't read it yet. I thought at our last meeting we agreed to go ahead and have him redo whatever was necessary so he could go ahead and get his license to take benefit of the season. County Manager Abolt said, yes, sir, we did do that. We did that. In correspondence we've sent to you all, the gentleman had indicated that at this juncture

because it's only a few months left, it was not cost effective for him to go through to get the beer and wine, plus he was feeling very strongly that he should have in place a separate point to dispense, and it's because of that position we obviously when we advertise the new service will take that into consideration.

Vice Chairman Thomas said, that was sent out in our packets. Commissioner Murray said, well, I've been gone for two weeks and just got back yesterday so I haven't had time to read everything. Vice Chairman Thomas said, yeah, he requested that. Are we finished with A?

Commissioner Murray said, on the amount, that \$12,000 is money that we receive -? County Manager Abolt said, yes, sir. Commissioner Murray asked, - that's all for concessions throughout Chatham County? County Manager Abolt said, the ones that are listed there, sir, the ones in the title: Memorial Stadium, Charlie Brooks Stadium, Jim Golden Complex, Soccer Complex, Lake Mayer and Scott Stell.

Commissioner Murray said, I move for approval. Commissioner Kicklighter said, second. Vice Chairman Thomas said, all in favor of the motion. Opposes? The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion carried.

**As to Item 8-D:**

**Annual contract for "as needed, funds available" basis, model year 2003 Crown Victoria Police sedans; Fleet Operations; J. C. Lewis Ford; \$20,314.27; CIP - Vehicle Replacement, SSD - Various, General Fund/M&O - Various.**

Commissioner Murray said, and I'm not opposed to this one either, but I just saw all the different funding on the side over here and just had some questions. When I looked at the write-up, it really didn't give a lot on that. None of this money's coming out of any contingencies, is that right? County Manager Abolt said, no, sir. Right now this is just the going price. If money comes available in any of those funds to replace vehicles, we've got a locked-in price based on this. Commissioner Murray said, okay. So this is actually to purchase in the next year's budget? County Manager Abolt said, yeah. If they need any vehicle like this in the next budget year, we know we have a locked-in figure of that.

Commissioner Murray said, so moved. Commissioner Kicklighter said, second. Vice Chairman Thomas said, all in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

**ACTION OF THE BOARD:**

1. Commissioner Kicklighter moved to approve Items 8-B through 8-N, except Item 8-D. Commissioners Murray and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]
2. Commissioner Murray moved to approve Item 8-A. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]
3. Commissioner Murray moved to approve Item 8-D. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair 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.

None.

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**XII. SECOND READINGS**

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.**

Commissioner Murray said, I would move for approval with some discussion. Commissioner Kicklighter said, second. Vice Chairman Thomas said, all right. Any discussion? Commissioner Murray said, yeah. If I'm not mistaken, this came up because of a situation on Wilmington Island. Is that correct? County Attorney Hart said, it came up because we had no way to regular between docks, piers and whatever across the waters and the landward side from a fire and safety protection standpoint as expressed by EMS provider and the fire department. Commissioner Murray asked, but it was all because of a situation that came up on Wilmington Island? County Attorney Hart said, that was one of the factors, yes, sir. Commissioner Murray asked, and this, the way it's written now, will cover us? County Attorney Hart said, I don't know what you mean by will cover us. It gives us the right to regulate --. Commissioner Murray said, gives us the authority to go in there and do something. County Attorney Hart said, it gives us the authority to regulate the means of ingress and egress. Commissioner Murray said, without having to go through all the B.S. we had to the last time. Commissioner Odell said, and that's French. Commissioner Murray asked, is that right or wrong? County Attorney Hart said, well, that's a pretty broad statement. It will stop the ability to have a pier that is disconnected from a land base side and operation, and that was what the intent was from the EMS and fire department.

Commissioner Murray said, I move for approval. Commissioner Kicklighter said, second. Vice Chairman Thomas said, all in favor. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried.

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve the 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. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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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:**

A written report was received as information.

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

**ACTION OF THE BOARD:**

A written report was received as information.

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**3. ROADS AND DRAINAGE REPORTS.**

**ACTION OF THE BOARD:**

Written reports were received as information.

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Rivers, seconded by Commissioner Murray and unanimously approved, the Board recessed at 1:25 p.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 2:30 p.m.

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**ITEMS FROM EXECUTIVE SESSION**

**1. REQUEST BOARD APPROVAL TO SELL A TRACT OF LAND TO THE GEORGIA PORT AUTHORITY (JON HART).**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve a resolution to sell a tract of land known as Parcel 1 (PIN5-987-6-6), containing 118.32 acres, and Parcel 3 (PIN5-987-6-4), containing 6.80 acres, to the Georgia Port Authority for an amount not less than the appraised value. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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**2. REQUEST BOARD APPROVE A MOTION TO AUTHORIZE THE VICE 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 Vice Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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**APPOINTMENTS**

None.

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**ADJOURNMENT**

There being no further business to be brought before the Board, Vice Chairman Thomas declared the meeting adjourned at 2:31 p.m.

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APPROVED: THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002

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

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