

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, AUGUST 23, 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, August 23, 2002.

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II. INVOCATION

Commissioner Harris Odell 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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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. RECREATIONAL DOCKS IN COASTAL GEORGIA - GEORGIA DEPARTMENT OF NATURAL RESOURCES, COASTAL RESOURCES DIVISION.

Chairman Hair said, we have a presentation from the Georgia DNR on recreational docks. Buck, are you going to be -.

Mr. Charles Bennett said, yes, sir. Good morning. I want to take this opportunity to thank y'all for letting us come down and make this presentation to the Chatham County Board of Commissioners. My name is Charles Bennett and I go by Buck. It's my nickname, and I'm the Manager of the Habitat Program out of Brunswick, Georgia, with the Coastal Resources Division and today I want to talk with you about the proposed changes or additions to the private recreational dock process. Now, there are two ways of getting a dock in the State of Georgia. One way is the abbreviated short way, which I'm going to discuss today, which takes between 14 and 21 days for the process to go through and there are certain restrictions that that dock has to be built in in order to qualify for the short version. The other version of getting a dock, building a dock is through the permit process and that is anywhere from six months to ten months process in order to get it. That's for larger structures or structures that are —, which we consider anomalies —, and they are larger than normal and have some unique characteristics. Today I'd like to just review the current standards with you. I've provided a handout for you, and I'd like to explain the policies and information on building recreational docks in Coastal Georgia, and we are making presentations right now to other Commission meetings and also to various stakeholders, such as developers, dock builders, realtors, banks and chambers of commerce throughout the Coastal Georgia. Also, if you have any feedback, we'd like to take that back with us and incorporate it into our —, into our plan. We are —, these are just suggested policies and we're trying to see if they meet the litmus test for common sense.

Mr. Bennett said, public trust is a big issue. The State of Georgia has delegated the responsibility of public trust down to the Department of Natural Resources through the Commissioner Lonice Barrett. And we are here to ensure that the natural resources that are available in Coastal Georgia are available to everyone and everybody has an equal opportunity to enjoy the waters and the resources and the animals and plants and such that are contained therein. Also, this is a legal interest and the areas that we are —, the body of trust refers to the navigable waters, those lands beneath the waters, and the living resources therein. Now, that I will —, is key because the Department claims ownership for the State for all tidally-influenced waters. So, the —, that's a big issue. Folks are taking deeds to the marshland and salt marsh and they are told they own it. Well, not necessarily. There are very few instances where that person actually owns that marsh, and that is through a King's Grant or a Georgia State Grant, and this goes back to old English law. And, in addition to that, if they do own that marsh, then they still have to go through a process by which whatever they want to do to that marsh is approved through the State and given written authorization to use it for whatever they wish to use it for once it's been approved by the State. And I said earlier, the Governor has delegated responsibility to the Commissioner, which it passes down through us. Dr. Susan Shipman and Dr. Stuart Stevens are the two individuals in Coastal Resources Division that are authorized to sign these revocable licenses. The current standards —, there must be a house on the upland. Now, this has been a shock to a lot of people because for many years the Department allowed docks to be built through the revocable license process up until this past March since 1970. We hired a lawyer on staff and he read through the law and came back and said we've been issuing revocable licenses incorrectly. So since March we have only been issuing revocable licenses to properties that have an upland house, a single-family dwelling on the upland. It doesn't mean that that house —, that lot cannot get a permit. It just has to go through the permit process, which is about six to nine months. That is significant. There's been an impact to the developers and it's also been —, to the realtors it's been a very big shock, but there's nothing we can do about it. The law clearly states, after the attorney brought it to our attention, that the —, in order to be exempt from Marshlands Protection after 1970, a single-family dwelling must exist on the upland. The maximum walkway width is six feet. That's been around for 25-30 years. The maximum fixed area for a deck, including the roofed structure, is 864 square feet. That's a rather large structure on the end. The maximum allowable float area is 576 square feet, and the structure can only occupy up to one-third of the available waterway from mean low water, or 40 feet, whichever is the minimum. Also, the deck can have a constructed structure on —, can have a closed structure on the end; however, it cannot be enclosed and it has a maximum height of three feet of wainscot to go around the finished wall. Now, you're going to notice if you're on the waterways of Chatham County there are numerous structures that are enclosed. Those have all been grandfathered in. Boat hoists —, excuse me. These structures, the roof line, top of the roof line that cannot exceed 12 feet. Also, the boat hoist cannot exceed 16 by 30 feet and the —, in order to build one of these you've got to have written authorization from the State. Now, those are the current standards.

Mr. Bennett said, what we are proposing —. Excuse me. Docks must be built from a uniform construction and be in character with the local area. And, again, must have written authorization. What we are proposing are no floating docks on creeks that go dry, no multi-story docks —, that is already in the policy because of the height limitation that's there of no more than 12 feet —, one dock per lot, requirements for surveys, construction bonding for the dock builders, and the maximum impact for docks at less —, set at less than one-tenth of an acre to be processed through this process through —, to be handled through the short version of the revocable license, and the limitation on building a structure to the first creek. Now, on that slide you'll see no floating docks on creeks that go dry. That is —, scientific evidence has —, we've determined that the area, the footprint of a float or a boat sitting on mud is killing the plant life, if any exists, or —, and animal life and micro-organisms there, and it's basically changing the character of that footprint of mud. Now, the argument we've been hearing is that it basically —, that's only, you know, 400 square feet; how's that affecting it? Well, we've also found out that the areas that these are greatly —, mostly impacting the estuaries is at the smallest tributaries, but that's where most of the life cycle begins for the shrimp and for the other animals, crab and such, and it greatly impacts that, more than it would be if it was in deep water or out on a faster moving tributary. That's one of the proposals. No multi-story docks. That is already in the policy because of the height limitation of 12 feet, but we're having more and more violations so we're —, the Department has decided to go ahead and publish that as a policy. One lot per lot —, one dock per lot. That is —, we have numerous situations where a piece of property will front two bodies of water or two tributaries. The State is suggesting that that land owner has already met his recreational request of

having one dock on that waterway for that lot, and that if he wishes to add another dock, then we are suggesting he needs to subdivide that for that purpose.

Mr. Bennett said, the requirement for pre-construction and post-construction surveys. In Camden County –, not necessarily here –, but we have found numerous situations where dock builders have come across the State lines and built docks without properly surveying the dock end and have ended up 50 or 60 feet over the riparian corridor and ended up in somebody else's view shed or property lines. That leads us into the next situation is how do you correct that? And we'll talk about that with the construction bonding. But a lot of our docks are over 750 feet, so 1,000, if you make a 10-degree error, then you have a 25-foot error at the terminal point. When you have a corridor that's only 50 feet wide, that could be significant, and your neighbor –, you may be in litigation with your neighbor because of that, and we're trying to prevent these situations. The average cost of a dock is \$100 a linear foot, and so if you're building a 1,000-foot dock, then we have determined that 1,000 –, the survey would be about 250 extra dollars. That's what the average is on the coast for that. If you look at the photograph below that slide, it shows an example of a dock that's being built. The barge is sitting right there –, this is in Chatham County –, and there's a construction barge putting the –, building the structure in. If you notice, their float almost runs underneath their neighbor's dock. That is a navigation hazard. Also, you have the bicycle spoke effect on some of the tributaries, as you see up here of a photograph of Colonel's Island on page eight, and that –, believe it or not, there are three more lots that want to build docks there, but there's no more space for it. So, if we'd done a survey of the area and divided up the land and the available water, then there wouldn't be a concern here.

Mr. Bennett said, construction bonding. When a structure is built incorrectly or built in the wrong location, who do you go after? Should we go after the landowner or should we go after the dock builder. Right now in Candler County there's a dock builder sitting in jail for racketeering and other charges which includes this, and who do you go after? These docks are falling in the water right now, they were built incorrectly, they were built shoddily, and if we go with a bond, one, that will affect the developers and the dock builders because they're going to have to be bondable. That will add one to three percent of the cost to the dock, but I think it will stay –, the State believes it will stay in the long run the heartache associated with having to move a structure that's built incorrectly. Maximum impact for private single-family docks less than one-tenth of an acre. The law states under the Coastal Marshlands Protection Act of 1970 that they consider a minimal impact at one-tenth of an acre. So the recommendation is to process only those docks that fall under that through the revocable license process. It doesn't mean you can't have a dock, you just have to go through the longer process and that's the suggestion on there. Restriction on building to the first creek. The first creek issue is that the State is wanting to enter into the policy a definition of a creek as being 30 feet wide from grass to grass. That 30-foot wide definition is based upon the size of a boat that's licensed in the coastal counties, and so we took that, added the width of the boat together and came up with a number, and then we added another width of the boat, tripled it in order to make sure there was room to pass in the waterway. Under current standards the dock –, a boat tied up at a dock in Coastal Georgia does not –, is not considered when we consider how far the structure extends into the waterway. So if we –, that's an issue with us right now. We're looking at that later down the road, but the first creek issue will allow the dock builders to stop –, and the landowners to stop at the first creek rather than going all the way out to the deep water. If you look at the –, look at page 10, page 10 shows you some examples of how that dock policy would be implemented. Now, if you look at Lot 2 on the drawing, Lot 2 shows a 60-foot wide area body of water. There's nothing that says that that landowner cannot move towards Lot 1 if he wants to go out to deep water. It allows him to move it down towards Lot 1 and cross the tributary at the smaller point. We're not going to require him to go to that deep water and through that wider spot, I mean, if he wants to go out to the channel. Now that –, I know it's a down and dirty, fast and furious presentation, but I wanted to make y'all aware of what the State of Georgia, the Department of Natural Resources, Coastal Resource Division, is proposing. We are going to have two public hearings. One will be here in the Savannah area and one will be in the southern part of the area –, southern part of the State near Brunswick or Camden County. Are there any questions?

Chairman Hair said, I have one. Are you going to, under these new restrictions, like two docks on the same lot, I'll just use that as an example, are you going to grandfather, just like you did previously –? Mr. Bennett said, yes, sir. Chairman Hair said, if you've already got permits to –. Mr. Bennett said, yes, sir. Chairman Hair said, or got two –, you'd be grandfathered in. Mr. Bennett said, yes, sir. Chairman Hair said, it will only affect you, once the effective date is, it will only affect everything after that. Mr. Bennett said, right. Yes, sir. Chairman Hair, what we do, we also –, we also expect to have a period that we'll do –, we'll have a grace period for people to get all their, you know, those people that want to get their dock requests in so that –. Chairman Hair said, under the old –. Mr. Bennett said, under the old so that everybody will know that it may be effective 1 January or 1 March or something like that these will be implemented. Chairman Hair said, okay. Commissioner Murray and then Commissioner McMasters.

Commissioner Murray said, several questions. One, you say you're going to grandfather these height restrictions and those type things in on docks that are presently built –. Mr. Bennett said, yes, well, we're going to maintain height restrictions. Commissioner Murray asked, what about the ones that are on tidal creeks and the creek [inaudible] floating docks. If they now have a floating dock, are they grandfathered in? Mr. Bennett said, yes, sir. Yes, sir. Commissioner Murray said, now, if in fact something happens to that dock, whether it's the height or whether it's the floating dock, can they replace it? Mr. Bennett said, yes, sir. Let's say that you're allowed to maintain that structure –. Commissioner Murray said, okay. Mr. Bennett said, so if you have a storm or a boat runs into your facility or you need to replace the float because it needs to be replaced, that's –, you do not require any permission from the State of Georgia to perform maintenance of your structure. Commissioner Murray said, all right. The other question I have, all this seems to pertain

to private single-family docks –. Mr. Bennett said, yes, sir. Commissioner Murray asked, what kind of restrictions are y'all putting in on marinas? We have quite a few marinas in Chatham County and some that, quite frankly, should not be doing what they're doing? Mr. Bennett said, right. Well, Commissioner Murray, one of the things –, I only handle the private recreational dock facilities and I handle the compliance inspections of some of the marinas. Ms. Jeannie Butler is our point of contact for that, and I'll be glad to take your questions and have her call you, and I have some staff with me today. I have Jill McKinnon –, Jan McKinnon from our Community Affairs Section. She's left? Oh, stepped out, and I have Tom Miller, who's my local representative here today. And so we'll make sure that we get that information back to Jeannie [Butler].

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, Buck [Bennett], thank you for your presentation. I think the subject is a vital one and I'm glad to see the DNR moving in this direction of the subject. Let me ask you, in this overview that I presume that you submitted. It's in my binder, Recreational Docks in Coastal Georgia. It says that the plan calls for presentations related to the issues and proposed restrictions to be made to identified stakeholders including boards of realtors, chambers of commerce, home builders' associations, local governmental officials, environmental interest groups, and other concerned individuals and organizations. How did you come up with your definition of stakeholders? Mr. Bennett said, we tried to incorporate everybody that we've been –, we've dealt with who attends our Coastal Advisory Council meetings and also anybody that has attended one of our permit hearings that we've had, and that's basically how we came up with it, sir. Commissioner McMasters said, okay. The next paragraph says that you anticipate input from the identified stakeholders to be obtained by September 1st. Mr. Bennett said, well –. Commissioner McMasters asked, is this being obtained in public meetings? Mr. Bennett said, yes, sir, it is, and we have a staff member who attends these meetings with us that takes notes and also we've asked for folks who have significant questions in order to –, write us a letter and send it in. That September 1st meeting is being extended to probably go to October 1st. Commissioner McMasters said, okay, well, that's good news. Have you held any meetings in Savannah thus far? Mr. Bennett said, yes, sir, we held a meeting with the developers for the entire Coastal Georgia about three weeks ago and I also met with the Chatham County Board of Realtors and the Chatham County Building Association as well. Commissioner McMasters asked, did you advertise these meetings? Mr. Bennett said, only to the membership there. Now with the –, we did mail out mailings to all of the developers and sometimes [inaudible] the dock builders. Commissioner McMasters asked, was the public allowed to participate in these meetings? Mr. Bennett said, they were and –. Commissioner McMasters said, but they weren't notified. Mr. Bennett said, well, the purpose of it was to gather some information specifically from the realtors and from the dock builders so we could make some changes –, see if we need to make some changes to our presentation and also to the policy. One of the things that came out that we looked at was –, the feedback that we got from the realtors and the developers and the dock –, excuse me the home building association did impact what we're –, what we presented today, but we are having public hearings up here and we did not run an ad in the newspaper that I know of in the Chatham County area, no, sir, we didn't. Commissioner McMasters asked, do you think that was the best way to handle it? Mr. Bennett said, well, the –, what we were trying to do was to gather specific information from these interest groups in order to see if we needed to make some –, tweak it, and we're going to be running some ads in the newspapers advertising these, and if it's determined we need to have more public hearings, we will have more public meetings on this information. Commissioner McMasters said, well, it –, please tell me that there was some sort of environmental and public input and communication and dialogue with the DNR well in front of these meetings with the stakeholders. Mr. Bennett said, yes, sir, we met with the Coastal Advisory Council, which is a group of stakeholders here locally, both educators, the state government, also municipal government, and made this presentation to them as well, and we met again with them in Richmond Hill three or four weeks ago and made the same presentation to that group –, to the members of the Coastal Advisory Council. Commissioner McMasters said, Buck [Bennett], let me conclude, and may I ask if you'd be kind enough to accommodate –. Mr. Bennett said, yes, sir. Commissioner McMasters said, – this Commission with notification in advance of these meetings and my request would be that you would significantly advertise –. Mr. Bennett said, yes, sir. Commissioner McMasters said, in the Savannah Morning News and wherever else you deem appropriate. Mr. Bennett said, Dr. Stevens and Susan Shipman –, Susan Shipman is our Director –, she met with all the State representatives and senators of the local area up and down the coast, and provided this information to them as well, and I believe we met with Representative Day here.

Chairman Hair said, I think what Commissioner McMasters is talking about is public hearings. Mr. Bennett said, right, right. Chairman Hair said, if we make sure that we know about it. Mr. Bennett said, yes, sir, I'll –, you'll be on a mailing list and we'll make sure that y'all are fully aware of it in advance and we'll make sure that it is published in both –, the newspaper as well. Commissioner McMasters said, thank you. Mr. Bennett said, yes, sir. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, one question I've got is water bottom leasing. How does that work? Mr. Bennett said, okay, and I can give you some general information. Again, I don't do the water bottom leasing, it's handled through Jeannie Butler. Commissioner Murray said, I'm sorry. Mr. Bennett said, but basically if you have a structure, say, somebody wants to put in a community dock, the community dock is 250 feet long, a water bottom lease is required for a structure that exceeds 500 feet. On a dock we consider both sides of the dock, so that would be considered a 500-foot structure, which will require a water bottom lease, and that would go through a permit process that must be approved by the Coastal Marshlands Protection Committee, which meets about four or five times a year. Commissioner Murray said, now, if –, suppose someone is leasing a piece of property and they have the license for that water bottom, for the lease –. Mr. Bennett said, the lease for that water bottom –. Commissioner Murray asked, the lease would expire when?

Mr. Bennett said, it depends on the –. Commissioner Murray asked, would it expire when the lease on the property expires or is terminated or would it –? Mr. Bennett said, it depends on the verbiage of the lease. I have seen the lease, Commissioner Murray, say that as the lease –, lessor holds interest in the uplands, then the lease would be good, but it depends –. The older leases didn't have that in –, does not have that in there, so I can't –, each different lease is specific to that contract. So, we have a staff attorney, his name is Kevin Brady, and I can relay that information back to Kevin or to Jeannie Butler and get you an answer back on that as well. Commissioner Murray said, I'd like to get an answer because it's beyond me how the State could lease the bottom to anybody that rents property for longer than the lease of that property goes. It should terminate at the same time. I don't –, otherwise, you've got somebody that owns a piece of property and wants to take that piece of property back over and utilize it, it's got these docks sitting out there in front of them, in front of their property, and they can't do anything with it. Mr. Bennett said, yes, sir. Commissioner Murray said, I don't know how in the world you would have a lease that would not expire at the same time the lease on the property itself expires. Mr. Bennett said, yes, sir, and I hate to say that I don't do that, but I will relay the information to the staff attorney. Commissioner Murray said, thank you.

Chairman Hair said, make sure the attorney or somebody gets back in touch with Commissioner Murray about that. We appreciate that. Any other questions for Buck [Bennett]? We thank you very much Buck [Bennett] for coming. Mr. Bennett said, thank you. Commissioner Murray said, we appreciate it. Chairman Hair said, that was very good information. Thanks a lot.

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2. ANNOUNCEMENT OF MPC TOWN MEETING - HELEN STONE AND TOM WILSON.

Ms. Helen Stone said, good morning. I'm really happy to stand here today and invite you all to the town meeting that's going to be on September 10th, and really the item –. The reason why I think it's important for you all to be there is this pertains to the updating of the Comprehensive Land Use Plan and the zoning ordinances, and we do have –, Tom Wilson has put together a fairly significant panel of speakers. We hope to have someone from the City and the County speak as well as County Commission Chairman Billy Hair and Mayor Floyd Adams to give some opening remarks. We're going to talk about community facilities, recreation, public safety and services, housing infill development, economic development, job training, historic preservation, natural resources, transportation, transit, traffic, zoning development, design standards and code enforcement. And we do have a panel of speakers that I think you all will enjoy, so I hope that you all will come, and I will add something to that. On Monday night, and Mr. [Neill] McDonald was present as well, I had the opportunity to attend a meeting –, and I know Commissioner Rayno and Commissioner McMasters was there –, for the Sandfly community, and I don't know how you all felt, but I left –, I left that meeting having a really good feeling of a sense of community and what a difference it does make when people come and they speak out about their community and they stand unified, and this is why I think this town meeting is so important, and I hope that you all will work this into your schedules and participate because I think you really will enjoy it.

Commissioner Murray asked, where and what time will it be? Ms. Stone said, it is Tuesday, September 10th, from 5:00 to 7:30 at the Coastal Georgia Center Auditorium, 305 Fahm Street. You all should get an announcement like this. Mr. Newton, weren't these mailed out? Commissioner McMasters said, I got one. Ms. Stone said, okay.

Ms. Stone said, Mr. Chairman, if I may while I'm up here, may I broach the issue of the County Zoning Board of Appeals, the MPC –. Chairman Hair said, I'm not sure if –, I'm not sure if we have everybody –. It wasn't on the agenda, Helen [Stone]. I'm a little bit reluctant to –, I think it would be better to put it on the agenda at another time where it's publicized and we have all the people that might be interested in that. Ms. Stone said, that's fine, I just –. Chairman Hair said, I just don't think today's the appropriate time to do it because it was not on the agenda. So let's just do it another time. Ms. Stone said, that's fine. I didn't know whether it was going to be brought up today, and if it was I was going to save you all some time by standing up here and giving the information at this time. Chairman Hair said, I think it would be more appropriate to put it on the agenda another time. Ms. Stone said, okay. Would you let us know when it will be –? Chairman Hair said, oh, absolutely. In fact, we can put it on the next agenda if y'all want to. Do you want to put it on the next agenda? Russ [Abolt], if you'll make a note of that. Put it on the next agenda, first meeting in September. I think it's just better if everybody is notified. Ms. Stone said, I agree, I agree. I just didn't know whether it was supposed to be on today's agenda and, if it was, I was going to go ahead and give my comments at this time. Thank you.

Chairman Hair said, thank you very much. Ms. Stone said, I'll see y'all on the 10th.

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3. PROCLAMATION FOR NATHANIEL JOHNSON, PUBLIC WORKS, ON HIS RETIREMENT.

Chairman Hair said, I will first read the proclamation prior to presenting it. Chairman Hair then read the following proclamation into the record:

WHEREAS, Nathaniel Johnson, Jr., an exceptional employee of Chatham County Pubic Works Department, began his employment in the road and drainage section twenty-five years ago; and

WHEREAS, Nathaniel has been acknowledged as a very dependable and competent equipment operator at Public Works and worked in several capacities; always accepting his job assignments in a cooperative manner, without complaint; and

WHEREAS, Nathaniel, while working as a crane and excavator operator, worked on several major projects utilizing his master skills with the backhoe, end loader, lowboy, tandems, and dozer; and

WHEREAS, his performance evaluations have always been outstanding and his attendance has been excellent throughout his tenure. He is respected and well liked by his peers, the office staff and co-workers and will be missed.

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

NATHANIEL JOHNSON, JR.

for twenty-five years of dedicated service to the Chatham County Public Works Department and extend best wishes for a healthy, happy retirement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia, to be affixed this the 23rd day of August, 2002.

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Mr. Johnson said, I'm not too much on speaking. These last 25 years have been great. I don't have no -, no regrets. Chairman Hair said, thank you very much. Commissioner Murray said, we appreciate it.

Mr. Robert Drewry said, I would like to say a few comments before I present him with the gifts. First of all, I've known Nathaniel [Johnson] for umpteen years now, I guess. He's always been in the canal maintenance program working under Mr. Walz. He's done an outstanding job. If you've ever seen those long-reach excavators with the 55-foot boom, that's all I've seen him do, and he is just outstanding. He's such a smooth operator -, no pun intended. I've said it before and I'll tell it again, I honestly believe this gentleman can peel a banana with the boom and with the bucket on that long-reach. He's going to be greatly missed. I bring operators around or I've seen operators -, younger operators go by and I want to make sure they see his work because he is going to be greatly missed and he's leaving a big hole to fill. Thank you, Nathaniel. I've got a plaque for you from Public Works. "In honor of 25 years of dedicated service. Nathaniel Johnson, Jr., you'll be missed truly. Chatham County Public Works wishes to extend their appreciation for a job well done." And we've got a lamp.

Commissioner Rivers said, Nathaniel [Johnson]. Mr. Johnson said, yes. Commissioner Rivers said, I hope you've got a fishing pole so that you can bring me some fish. I want to let you know I feel kind of bad. This guy played colt league ball for me and he's retired and I'm still sitting here. That don't seem right. Chairman Hair said, life's not fair, Joe [Rivers].

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ORDER OF BUSINESS

Chairman Hair said, we've had a request from Commissioner McMasters to move one item up and, without objection, I'll do that because we have a person that has a conflict in schedule. We'll take Tax Assessor's Office hiring freeze [Item VII-3] first.

[NOTE: Item VII-3 was taken out of order and was heard at this point on the agenda.]

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VI. CHAIRMAN'S ITEMS

1. FEES CHARGED TO SPECIAL EDUCATION STUDENTS.

Chairman Hair said, it has come to my attention that when we revamped the policy to charge fees for the use of the Weightlifting Center that, in my opinion, we adversely affected a couple of thousand special ed students that have used that facility primarily in the morning, and I would ask my fellow Commissioners to consider a waiver to the special ed children that use the Weightlifting Center. Is Dr. Mickey Stephens [phonetic] –, oh, there she is.

Commissioner Odell said, I'll make the motion –. Commissioner Rivers said, I'll make a motion to approve. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair asked, do we have the votes? I mean, if we –, we don't need an explanation if we've got the votes. I just think this is the right thing to do. All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you very much.

Commissioner Odell said, we did something unanimous. Commissioner Murray said, take a good picture of that. Commissioner Odell asked, can we photograph that? Chairman Hair said, usually the only thing unanimous is to adjourn, to leave. Thank you very much. I appreciate –, I want to thank my fellow Commissioners for voting for that. I think that was the right thing to do, and I appreciate y'all's vote.

ACTION OF THE BOARD:

Commissioner Rivers moved that the fee for use of the Weightlifting Center be waived for special education children. Commissioner Odell seconded the motion and it carried unanimously.

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2. CLARIFICATION OF BUDGET ASSUMPTIONS.

Chairman Hair said, it came to my attention this past week that there was some confusion, maybe not amongst the Commissioners, but certainly amongst some of the staff and the department heads as to when the budget was passed were the numbers used the last year's budget numbers or last year's June 30th end of balance figures, which would include any leftover amount. Of course, we don't know what the leftover amount is until it's audited. There were a number of us –, and I will say us, I will include myself in this group –, I thought that we were to pass the last year's budgeted numbers. I think that's the fair thing to do because if you pass a budget that included leftover money, to me you're punishing the wrong people. Somebody who spent 100% of their budget gets that amount and somebody who was conservative and didn't spend \$20,000 loses the \$20,000. We just need to clarify that because I think there is some confusion among the department heads. I was down here in a meeting this week and we just need to make sure that everybody's clear as to whether the budget that was passed included the last year's budget numbers or the amount left over at the end of June 30th once the audit is in place. Commissioner Rayno, could you clarify –, what's your assumption?

Commissioner Rayno said, my assumption was that they got what they spent last year, so it was based on what we believed to be the amount that was spent, not the budgeted amount.

Chairman Hair asked, what do the other Commissioners feel? How do –, did y'all feel it was the budgeted amount, because I think –, or was it the –, because I think we need to clarify it.

Commissioner Kicklighter said, [inaudible]. Chairman Hair said, Commissioner Kicklighter said he agreed with Commissioner Rayno. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I was thinking that what we approved was the amount that was in the budgets from last year. Now, I am willing to leave this as we've got it until the 13th and look at it on the 13th, when we're supposed to have these funds back in to us, before we make any kind of changes to it, if any changes are necessary.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I think that's the road that we have to take. That's the only available road at this point, but ultimately what we need to do is to develop a system, for lack of a better definition, engineering department because what we have now is we have departments who operated at various levels of efficiency and we treat everyone equal even in an unequal circumstance. The impact of that is that I was sitting here and Russ [Abolt] with his tiny little staff, there's no way that we can go into a department to see the level of efficiency. We cannot do that. We should do that because there are, I think, major system problems in how we do business, and often how we do business is based upon how it's been done in the past, which is not always the most efficient way to do that. And we need to at some point, if we really want to save taxpayers' dollars and provide a service that the citizens will not complain so much when we

tax them, we need to ensure that we are as efficient in each department at the same level, and I'm open to suggestions as to how we get from where we are to where potentially we need to be; and where we need to be is, when we get requests, we need to be able to evaluate the impact that request not only has on that department, but has on other departments. The only problem that we –, not the only problem –, from a business model problem that we have, we have constitutional officers who can do literally what they want within the limits of the law, but what they do and how they do it impacts other departments. We need to have a way to evaluate the method, the procedure and the system so that we are using a system that is most efficient.

Chairman Hair said, okay, those are comments I think everybody agrees with. They are not germane to the issue though. We'll just postpone it until September 13th and somebody –, we'll clarify it at that time, but it does need to be clarified at that point in time as to what assumption we were under.

ACTION OF THE BOARD:

This item was postponed until the meeting on September 13, 2002, to clarify whether the budget that was passed included the last year's budget numbers or the amount left over at the end of June 30th once the audit is in place.

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3. COMMISSION DIRECTION ON LOST NEGOTIATIONS.

Chairman Hair said, the third item I'm going to pull. We're not ready to discuss that yet.

ACTION OF THE BOARD:

Chairman Hair pulled this item from the agenda.

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VII. COMMISSIONERS' ITEMS

1. LACK OF PROPER RESPECT BY SOME COMMISSIONERS TO STAFF AND OTHER COMMISSIONERS (COMMISSIONER THOMAS, VICE CHAIR, AND CHAIRMAN HAIR).

Chairman Hair recognized Dr. Thomas. Commissioner Murray asked, can I ask a question first? Chairman Hair said, certainly.

Commissioner Murray said, in my opinion this particular issue that is getting ready to be discussed is personnel and, in my opinion, should be discussed in Executive Session, not in the open Commission meeting, and I have some concerns also on this and would like to discuss them, but I'd like for my discussion to be in Executive Session since it is personnel.

Chairman Hair asked, would you give me a ruling on that? Is this an Executive Session item or not? Can we –, and we're talking about fellow Commissioners. Is that a personnel issue? County Attorney Hart said, the issue generally on personnel issues is directed at personnel, and when I say personnel as an office or a group of people or directed into [sic] some person in Executive Session versus a general category of we want to discuss personnel, and –. Chairman Hair said, if you rule that we can discuss it in Executive Session, I have no problem with that. I just want to make sure that we don't violate any rules by discussing it. County Attorney Hart said, I need to spend some time looking at that because –, I understand where Commissioner Murray's coming from there, but there's been some recent cases dealing with whether you can blanket everything with personnel in a generic sense versus directed at maybe some department or particular personnel. Clearly, if you were directing it at a department or personnel group. There's no question it's an Executive Session item.

Chairman Hair said, Dr. Thomas, since you and I have talked about this, would you wait until we get a ruling from him as to whether –, or do you want to go ahead and try to discuss it today? Commissioner Thomas said, I can wait to get a ruling –. Chairman Hair said, okay. Commissioner Thomas said, but what –. Commissioner Murray said, and I've got some issues I'd like to discuss on it, too. Commissioner Thomas said, what I have to say I have no problems saying it out –. Chairman Hair said, I don't either. I don't have a bit of problem saying it in public session. Commissioner Thomas said, because it's just an observation and what have you, but I would be willing to wait for –. Commissioner Odell said, point of clarification –. Commissioner Thomas said, – comments from the attorney. Chairman Hair said, okay, we'll wait until we get it clarified from the attorney.

Commissioner Odell said, point of clarification to the attorney. Would a Commission or Commissioner relationship would not fall under the broad –. County Attorney Hart said, no, sir, you would not be personnel. Chairman Hair said, that's why I'm saying, I think that –. Commissioner Odell said, so any comments that we have relevant to us and our interaction is not –. Chairman Hair said, public. Commissioner Odell said, – is not an Executive Session item. County Attorney Hart said, yes, sir, that needed to either be handled in a meeting or handled between the individual Commissioners. Commissioner Odell said, right. County Attorney Hart without a quorum of other Commissioners there to avoid the open meeting issue.

Commissioner Thomas said, a lot of things that have been said here this morning would have been just reiterated in a sense of what I would have to have, so –, I mean, if we can say things out here along those lines, I see no reason why you need to go behind closed doors to keep saying –. Commissioner Murray said, I have something else to discuss.

Chairman Hair said, I agree. We'll just wait until we get a ruling. Commissioner Murray said, I'll discuss it now if you're saying that it's not going to be legal. Chairman Hair said, okay, we'll get a ruling from the attorney and then we'll decide at the next meeting whether to do it in public session or private.

ACTION OF THE BOARD:

This item was postponed to the next meeting awaiting a ruling from the County Attorney on whether this item may be discussed in Executive Session.

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2. REBIDDING FLEET MAINTENANCE (COMMISSIONER RAYNO).

Chairman Hair recognized Commissioner Rayno. Commissioner Rayno said, without any objection I would like to postpone this until the next meeting. Chairman Hair said, okay, postpone it.

ACTION OF THE BOARD:

Commissioner Rayno requested that this item be postponed to the next meeting.

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3. TAX ASSESSOR'S OFFICE HIRING FREEZE (COMMISSIONER MCMASTERS).

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. In a conversation with the Chairman of the Board of Assessors, since we didn't really resolve our hiring freeze and they're seven people short, Mr. Vestal, could you –, would you –. Mr. Joseph Vestal said, Mr. Lower is also here. Commissioner McMasters asked, do you want to –, do you want to make a quick case for your –.

Chairman Hair said, first just tell us what you're requesting and then –. Mr. Vestal said, right now we are since the freeze –, actually before the freeze, we were five people short. Now we're seven people short and I understand we're also getting a resignation this week from another employee, so actually we'll be down eight folks. This year we have planned to do 27,000 inspections and also we were supposed to start this year on exempt properties, which Mr. Hart sent us an opinion from his office that we're supposed to do the exempt properties too, which we don't even have taken into account with the 27,000.

Commissioner McMasters asked, how many exempt properties are you looking at? Mr. Vestal said, I don't have that count right now because we're –, we're kind of putting out fires right now, so that's actually been put on the back burner until we can –, we can –. Commissioner McMasters asked, is it a considerable number? County Attorney Hart said, oh, yeah. You know, you start thinking about all the churches and hospitals and public buildings and municipal buildings and –. Chairman Hair said, yeah. Commissioner McMasters said, okay. County Attorney Hart said, and you start adding up all the different types of public buildings that would be exempt, it's a pretty significant number.

Chairman Hair asked, Mr. Vestal, are you asking for waiver of the seven positions or waiver of all your positions? Mr. Vestal said, I'm sorry. Chairman Hair asked, what are you really asking? Mr. Vestal said, I'm asking for the freeze that was put on, we were already missing folks and I'd like to get that unfrozen now. Chairman Hair asked, you just want an unlimited waiver or do you want a waiver for a number of positions? Mr. Vestal said, I would like to have an unlimited, but I don't know if that's practical or not, but right now I –. Chairman Hair asked, Commissioner McMasters, do you want to make a motion or –?

Commissioner McMasters said, yes. I'd like to make a motion that we lift the entire hiring freeze in the Tax Assessor's office. Chairman Hair asked, does that motion have a second? Commissioner Thomas said, second. Chairman Hair asked, any discussion? All those -. Okay, Commissioner Odell.

Commissioner Odell asked, what are the positions? Mr. Vestal said, the positions, some are clerical, there's two appraisers. What we're doing is one appraiser was in the personal property and we're moving him over -, or her over to the real property, so that's going to make -, I think I have a list here. I have a list here if you'd like to see it. Commissioner Odell said, I just want to hear. Mr. Vestal said, okay. A Personal Property Auditor, which is very important, a Clerical Assistant III - Returns, two Appraisers - Real Property, Clerical Assistant III - Personal Property, Clerical Assistant III - Real Property, and a CADD Technician. Commissioner Odell asked, and we're saying that all seven of those positions are essential? Mr. Vestal said, well, actually it will be eight, I'm sorry, because there will be another one, I understand, that's leaving this week in real property. Commissioner Odell asked, all are essential and the justification is the additional work as described by Mr. Hart? County Attorney Hart said, they are -, yes. I mean, they've got a pretty significant burden if they're going to inspect 27,000 pieces of property in and of itself, and over the years Chatham County the exemptions for exempt properties have been granted and it's been pretty meticulously gone through at the time of the exemption, but then there's been no review process to see if that property is still exempt, and the State law pretty well requires you to review it every three years.

Chairman Hair asked, Russ [Abolt], did you want to -? County Manager Abolt said, just to put this in the context of the directions you've me given me that we're implementing. As you know, part of your budget strategy was to, in effect, realize some savings in vacancies. The task to me was to, in effect, look at the list of vacancies and identify what amounts to \$845,000 worth of savings. That's critical to balancing the budget. Staff is about doing that and we'll have a complete report for you on your meeting -, the first meeting in September. But looking at the document we gave you the last time showing all the vacancies that were then known, we identified what amounted to \$1,052,000 worth were all the positions not saved. Just looking quickly and not having the complete list that Mr. Vestal has, because apparently there have been resignations since then, you're looking at about \$200,000. So in doing this, and certainly that is your choice, I do want to bring to your attention that then that really would mean that probably every other position on this list would have to not be filled for the entire fiscal year unless there are some savings that have been accrued in the last month to month and a half, but you obviously do what you want. I did not want to surprise you come in September if our report says that all the remaining positions or most of the remaining positions would have to remain vacant for the entire fiscal year. Chairman Hair said, thank, you.

Commissioner Odell said, I'm not finished. Mr. Vestal asked, may I add something to that? On the appraisers in particular and the auditors, they won't be hired immediately because we have to find those people. Yeah, it's going to -, if we start the process now, it might take a month or two to find those folks because they, you know, you have to go to school and the whole thing, and so those are not easy to fill. The clericals are easier to fill than the appraisers and the auditors, but we do have somebody for the personal property auditors because usually they have a CPA, and so the key to it is the appraisers because there's not people out there that have been certified and that type of thing. So that's a very -, more difficult position to fill. So we don't even have applications right now. I mean, I can't go and leave today and fill those. So I'm trying to explain to you -, I'm sorry.

Commissioner Odell said, I understand and I think you need the positions, and I will probably vote for the position, but out of an abundance of caution and so that what we do at this point is fully known and the impact on the budget is fully known, it's my impression from what Mr. Abolt said that we're talking about, we allocated approximately \$200,000 savings in not filling these positions. Am I correct in saying that? County Manager Abolt said, yes, in the gross -, the annual number, yes, sir, that's correct. Commissioner Odell said, okay, and I think we're caught between a rock and a hard place. In order for you to do the charge of your department, the positions are necessary. In order for us to accrue the savings, which the majority voted for, then we're going to be \$200,000 potentially short unless we make it up somewhere else. That's the comment. Additionally, I'm concerned. We have eight positions. Do we do exit interviewing on the positions to make a determination as to causal relations? And the reason I ask that question is that only by doing exit interviews can you avoid, hopefully, making the mistakes of the past. If you know what attracts people and what makes people stay, then that should be part of the recruitment tools. If you don't, then -, and I want to know from Mr. Abolt, we do exit interviews? County Manager Abolt said, yes, sir. Commissioner Odell said, and will we receive a summary of the eight positions of the exit interviews? County Manager Abolt said, if you wish that, and that would be up to -, yes, sir. If that is your wish, sir, yes, sir. Commissioner Odell said, that is one of my wishes. Not the only one, that's one. I would like to see that, but I think you need the staff. Y'all have a yeoman's job to do, and I appreciate your being here, and being a public servant is not a great thing. I appreciate the time that you've given to this, which is a thankless job. And I say publicly thank you for that.

Mr. Vestal said, one thing, too. Mr. Lower, I was -, he was working on this. There's something else I need to -, for you to understand. How many appeals do we have this year? Mr. Larry Lower said, we've got 4,000 appeals this year. That's about two -, that's 1,000 more than we had last year. Just to run down, our average appraiser only works on the street 66 days out of the year. The rest of that time is consumed with board appeals, preparing for those appeals, and that's why it's necessary to get this individual hired so that we can get out there and start addressing the reviews that we have to do.

Chairman Hair said, okay, Commissioner Kicklighter, Commissioner McMasters and then myself. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. Thank y'all for your hard work, too, but I'd like to recommend --, I know that we passed a tough budget and we've got to stick to something remotely close to a hiring freeze to pull this thing off, and I feel for what your task is at hand there, but, you know, we have a tough road in front of us also. I'd like to see us pass possibly a little compromise there, and knowing that two's resigned since we passed our budget, definitely fill those two and give them two more positions, make it four, which would be a little more than, you know, half of the seven, and if they can't survive with that, then let them come back at a later date, but it sounded to me like there was an awful lot of clerical positions that was involved in this and, you know, we all know it from day to day if you get one excellent clerical worker, they're, you know, that one's better than three bad ones. So I'd like to see us, you know, give 'um --, give 'um some because they're definitely in trouble and need it, but I don't think we can afford to go the full, what, eight positions I guess you're requesting basically. Mr. Vestal said, well, actually it was --, I think we're getting the chicken and egg thing, we have a person that's leaving this week, so that's position is already filled. If we don't get that one there --, that wasn't affected by the freeze, so now --, so if we're still in the freeze and you give me one, I've actually lost two. Do you follow what I'm saying, because we're losing somebody this week. Commissioner Kicklighter asked, three gone since we passed the budget? Mr. Vestal said, we've had several. Commissioner Kicklighter said, I'd be willing to even say five, if that's the case with this, but --.

Chairman Hair said, the problem you're going to get is if two more resign next week, he's going to be back up here asking for two more. Mr. Vestal said, exactly. Chairman Hair said, and it's going to be a never ending --. Commissioner Kicklighter said, that to me is fine if we took the tough stance of having some type of hiring freeze. That's what we're going to face for the rest of the year if that's what we're trying to impose. Chairman Hair said, Commissioner McMasters and then myself.

Commissioner McMasters said, thank you, Mr. Chairman. Russ [Abolt], your comment, or Reese's [White] on this as well as Mr. Vestal's, did you not have an unspent salary portion in last year's budget? Mr. Vestal said, let me explain what's going on with that. We had --, we're going to return approximately \$200,000 to the County, and the reason is is because that's in comp time, which I'm not used to, but being from private business we can't have comp time, it's illegal, but in the County we do. What's going to happen this year, that comp time check is going to be written so those guys are not going to be out appraising because they're taking their comp time. So we've got a whole chicken and egg thing going here. We saved you the money with comp time, but those folks will want to use it this year. Commissioner McMasters asked, Russ [Abolt], what's your comment on that? County Manager Abolt said, please. It doesn't work that way. We have two issues involving "savings." Number one, are they real and, if they are real and you in effect have not used that figure to balance this current year's budget, which we're now under, it goes into fund balance. So, in effect, we have, as you all know, a negative fund balance at this point. So whatever might be "contributed" to a negative fund balance will be good, but it's not spendable money because it's just filling the void. Commissioner McMasters said, yes, but this man had a vacancy factor in last year's fiscal '02 budget. Is that correct? That did not cost taxpayers of the County? County Manager Abolt said, any department was given the choice, as they met their 11½% reduction figure for last year, to in effect stage the filling of vacancies. You heard that testimony from Tax Commissioner Powers. It's prevalent among most of the department heads. So, in effect, when they talk about salary savings or something less than what would be budgeted for a full year, that is a management strategy that was employed to meet the 11½% cut, and that's legitimate, but I do not want to get tripped up on, number one, figures that have not been audited and, number two, unless you've given specific direction to make cuts based on perceived savings, the budget amount which we'll come back to you on on the 13th of September will reflect the direction you've given us.

Commissioner McMasters asked, well, what is the answer to the question? County Manager Abolt asked, what was the question then? Commissioner McMasters said, the question is he had an allowance in last year's budget for salaries, which he had vacancies for a good amount of time, and that money was not spent. Is that not a savings returned to the County at the end of the year. County Manager Abolt said, first of all, I'm not going to verify they were not spent until we have the audit because, remember, we do not have complete figures until the audit. There may have been other expenses in the department that had to be met as a result of those savings. Commissioner McMasters asked, Russ [Abolt], aren't we kind of being --, it's a semantic thing here? County Manager Abolt said, no, sir. Commissioner McMasters said, if audited means that the [inaudible] people have looked at it, but --. County Manager Abolt said, no, sir. Commissioner McMasters said, -- clearly we've got a rough idea of what his costs were. County Manager Abolt said, rough idea gets us in trouble. Mr. Vestal said, well, I can tell you what it is. The \$200,000 savings was after the 11½%. Commissioner McMasters said, okay. So that's --. Mr. Vestal said, that's where it is. Also, there's a \$50,000, I think, that we're giving back to you from professional services. I know these numbers. Commissioner McMasters said, Commissioner Odell's comments, I think, were as far as whether or not this was going to impact this year's cost, I'm suggesting that this department has an accrued savings from these vacancies existing in last year's budget, so it's not whether it's audited or not. It is not as dire as it may appear.

Chairman Hair asked, Russ [Abolt]? Well, I think Russ [Abolt] --. County Manager Abolt said, and I don't want to argue, I want to clarify. In our trend analysis where we looked at this department, the Finance staff said normal trend in the Assessor's office. That means, given all things, they expected to live within their budget. I think it's very dangerous, and I'm not doubting this man's word, but again without the audited figures, and certainly without the ability of Finance staff and the auditors to go back in and revisit, this is very dangerous. I submit you have an alternative, and let me give you

the alternative. You might ask Mr. Vestal how many positions he needs to fill by the 13th of September. By the 13th of September. I'm coming back to you on the 13th of September with the budget wrap-up. That will follow to the letter your direction. You told me to find \$845,000 among vacant positions. I will do that. You also told me to find \$1,012,000 in general government. I will do that. You will have all that in front of you. You may agree or disagree where I find it, and you may choose to change it. The budget was balanced on those two givens. I must find those two numbers. You give him the latitude, you also give me the latitude because salary savings and what you're doing in the freeze we know is not reoccurring revenue, but it will allow me to get at the \$845,000 figure. Now, it might be possible, and I say might be, that as we look at the money that's been saved, because there've been other vacancies since the 1st of July, there might be some good news. I can't tell you. But allow me until the 13th to wrap it all up, like I committed to you I would; allow him, if you choose, to fill those vacancies that are critical and he knows he can fill by the 13th, and on the 13th you'll have the best of both worlds because you'll know exactly where the money is or is not.

Commissioner McMasters said, well, the 13th is three weeks away. It's probably –, do you really feel you could fill all those vacancies by the 13th? Mr. Vestal said, well, what I would like to do is –, not necessarily, but I'd like –, I can't –, also, again, we're in the chicken and egg –, if we go to somebody, I put an add in to hire them, they want to go to work right now. If we can find those folks. If we say, well, we can't hire you until the 13th –. Commissioner McMasters asked, that's not a problem, is it? Mr. Vestal said, what I'm saying is, is you don't know because the problem would be if they're ready to work now, they want to go to work because they've got to. Commissioner McMasters asked, yeah, but how many people realistically come in without a job and they're applying for a job? I mean, I think you get some of both, don't you? Mr. Vestal said, probably so. Commissioner McMasters said, okay. Mr. Vestal said, I mean, I'm not gonna comment on that 'cause –. Commissioner McMasters said, well, I just want to say that the spirit of the budget this year was to try as we might to work and live within our means, and since two-thirds of the County's revenue comes from this man's department's efforts, I think this is the epitome of essential government spending. So I'll defer to my fellow Commissioners here, but I think we need to fund this department. This department will probably experience a huge retrofit and redesign, and we need to allocate the resources to see that that happens, and there's an immediate problem and there's a long term problem, so –. I'll stop at this point.

Chairman Hair said, okay, the –. Mr. Vestal said, Mr. Chairman. Chairman Hair said, the order is –. Mr. Vestal said, Mr. Lower reminded me I need to answer Mr. McMasters question. There's five people ready to hire now that Mr. Lower –. I'm sorry. Chairman Hair said, the order is myself, Commissioner Murray and Commissioner Kicklighter.

Chairman Hair said, I just have a couple of observations. There's no doubt in my mind that you need these positions and there's no doubt in my mind that they're critical, but, you know, I'm a country boy. What we say in the country is the chickens come home to roost, and I was expecting the chickens but not quite so soon. I think that if we approve these today, we're going to make a very bad decision because what's going to happen is, is next Board meeting we're going to have two or three other constitutional officers sitting here and saying our positions are critical and we've got to have them, and all of a sudden, if we approve these today, we're making a decision that these are more critical than some we don't even know about yet; and I would submit to you that we're going to wind up filling 95% of every one of those vacant positions, which means that savings is going to go away because everybody is going to stand in the well that Mr. Vestal is standing in and making the same argument, and he's correct, he does need these positions, but, see, we passed a budget based vacancies without really realizing the criticality of those vacancies until now when we have each person standing before us. And I'm going to have to say in good faith, Mr. Vestal, I share the accolades you've been given this morning, I think you've done an outstanding job, but I cannot sit up here in good faith and vote for these vacancies to be filled when I know that the budget is contingent –, the balanced budget is contingent upon these positions not being filled. And I know without a doubt, and I'm glad this thing's being recorded because you can play it back three months from now, you're going to have every department head coming up here talking about I've got to fill these vacancies, and we have already gone –, if we spend \$200,000 of the million dollars today, how much are we going to spend at the next meeting and the next meeting and the next meeting? So I realize that you need the positions, I agree with Commissioner McMasters, but I'll tell you I have to vote against this because I just think in order to balance the budget, that's what we've got to do. We've got to make –, we made a tough decision, we said two or three weeks ago, we've got to make a tough decision today and the tough decision is to deny these positions, in my opinion. Chairman Hair said, Commissioner –, go ahead.

Mr. Vestal said, I'd like to remind the Board, too, that if our appraisals are not done correctly, the State can come in and charge us \$5.00 per parcel. We're in a review year right now. I just want you guys to know that, which will be with 93,000 parcels, that will be four and a half million dollars. Chairman Hair said, Mr. Vestal, I don't disagree with that. I said, I stipulated up –. Mr. Vestal said, I just wanted to –. Chairman Hair said, I stipulated up front, you need these positions and they're critical, but the budget was balanced on the fact that these should not be filled, and now you want to fill them. And that's my position. There's no question you need these positions, and I wish we could, you know, vote for them today, and the votes may be here to do that, but I in good conscience have to vote against this because I know what's going to come down next week and the week after and week after and week after and week after, and six months from now we're going to have filled all these vacant positions and that million dollars we were expecting is going to go away. Commissioner Murray and then Commissioner Kicklighter.

Commissioner Murray asked, when will we have the audited figures? Mr. Reese White said, it will be –, it probably won't be until November. Commissioner Murray said, November. All right, when we approved the budget at our last meeting, how many vacant positions were on that list for the Tax Assessor's office? County Manager Abolt said, five or six.

Excuse me, sir, I'll find it. I had it in front of me. One, two, three, four, five –, six, sir. Commissioner Murray said, six. And you've got how many vacant positions now? Not counting the one that's getting ready to resign? Mr. Vestal said, seven right now and I know I'm going to have eight. Commissioner Murray said, and this other person's going to make the eighth. So the positions that were funded in the budget should be allowed to be filled. In other words, he had positions in place. We had six vacancies. That's what the freeze was on. He's had some people resign since then, since the budget was adopted. County Manager Abolt said, no, sir. Commissioner Murray said, which gives you now eight vacancies. So those two at least should be filled. County Manager Abolt said, no, sir. Well, whatever you wish to do, but this is what actually transpired in your vote and my request to be at your last meeting. You have had a freeze in place, I believe Commissioner McMasters brought it up, since the first part of July on all positions with the exception of public safety uniformed position. That still is in effect. I made the appeal to you at your last meeting, because in the budget workbook at the time the budget workbook was put together, we identified what amounted to the positions that were vacant then, and we identified a savings, were all those positions not to be filled, of \$1,052,000. The information, the motion that was made –, the proposal that passed made specific direction to me and it said of the vacant positions find \$845,000. That's what I'm doing and that's what I will come back to you with specificity in September. Now I will tell you up front, as I've alluded to in my response to Commissioner McMasters, because you've had a freeze on all positions, we're going to count that and I interpreted from you a direction find \$845,000, which I will, and possibly as a part of that strategy that will come back in September, it will say we've had this vacancy freeze. Commissioner Murray asked, Russ [Abolt], what was the \$1,052,000 based on? What number of vacancies? County Manager Abolt said, it was based on –. Commissioner Murray asked, was it based on it when we approved our budget, is that what it's based on? County Manager Abolt said, it was based on the current vacant positions at the time this report was made, but we did take out, you might remember because of the settlement with the Sheriff and other things, any positions that might be tied to the previous legal action. Commissioner Murray said, yeah, but what I'm saying, those were the positions that were in place that were vacant when the budget was adopted. Is that right? County Manager Abolt said, yes, sir. Commissioner Murray said, what I'm saying is he's got two positions right now that were funded within the budget that we adopted. They didn't resign until after that so the money's there for them. County Manager Abolt said, yes, sir, I'm not doubting that –. Commissioner Murray said, you haven't used it in those numbers to get that \$1,052,000. County Manager Abolt said, no, sir. No, sir, and I'm not trying to argue with you, but I would –. Commissioner Murray said, I'm not arguing either, I'm just stating a fact. County Manager Abolt said, but I would –, no, sir, but what I would use it is because you still have a freeze organization wide. When I come back in September, I will account for all those dollars. Commissioner Murray said, but you're talking right now that you have identified \$1,052,000 on the vacancies when we adopted the budget. County Manager Abolt said, yes, sir. Commissioner Murray said, that's my point. County Manager Abolt said, yes, sir. Commissioner Murray said, the other point is that he's got two people that have resigned since then that were funded positions that are funded within his present budget. County Manager Abolt said, yes, sir. Commissioner Murray said, so you will still have, if we allow him to fill those, the \$1,052,000. County Manager Abolt said, if you wish –. Commissioner Murray asked, is that right or wrong? County Manager Abolt said, yes, sir, it is, but you've also given me authority based on the priorities and based on what the Chairman said, to give you a recommendation on what other positions are on the list that might have equal or greater priority. That's all I'm saying. Commissioner Murray said, I'm not going to sit here today and tell them they cannot have at least those two positions filled when they're getting most of the media coverage, the negative coverage that's going on, the job they're trying to do in that department, to turn it around that brings the revenue in to this so that we can do the things we do. I just feel like that at least those two positions should be filled. That's not going to hurt us with this money.

Chairman Hair said, Commissioner Kicklighter and then Commissioner McMasters.

Commissioner Kicklighter said, I agree with Commissioner Murray. You know, I also –, first, but it's kind of going backwards, I agree with Russ [Abolt] first on asking Joe [Vestal] which are the essential positions that you could live with. With what the Chairman originally said, I think you're going backwards now, Joe [Vestal]. I think we can get you more than two, but not seven or eight. Mr. Vestal said, well, I –. Commissioner Kicklighter said, and –, I mean, because I, you know, like Commissioner Murray said, two of them, that's not counted in that at all because they've resigned since then and one, you know, one's coming up, so that will be your two. Mr. Vestal said, see what's going on –. Commissioner Kicklighter asked, what can you live with that's absolutely essential until Russ's date of September 13th? Mr. Vestal said, five. Because I'm moving people back around from personal property over to real property. Commissioner Kicklighter asked, and that's out of eight? Mr. Vestal said, out of eight, and what I'm worried about, if I have other resignations –, if I have other resignations, Russ Abolt's going to take those away too –. Commissioner Kicklighter said, no –. Mr. Vestal said, so I'll be a –. Commissioner Kicklighter said, if you do, you come back to –, come back in front of us. Mr. Vestal said, I'll be on like a –. Commissioner Kicklighter said, Russ [Abolt] is just doing what we asked him to do there. County Manager Abolt said, thank you. Thank you very much. Commissioner Kicklighter said, he's not –, you know, he's not the bad guy. He's doing what we asked him to do there. Mr. Vestal said, no, I'm not saying he's the bad guy, I'm just saying that's the way it's working. If I lose more folks, that goes into that pot, so there I am. Commissioner Kicklighter said, right, right. Commissioner Kicklighter said, I would recommend because I believe the current motion is going to fail, I would say that we fill four positions –.

Commissioner Murray asked, is there a motion on the floor? Commissioner Rivers said, there is no motion. Chairman Hair said, yeah, we do. We have a motion and a second. County Attorney Hart said, we have a motion to lift the freeze. Chairman Hair said, the motion is to lift of all the freeze indefinitely for –, that's what the motion is. A motion and a second. There is a second to that motion to lift the freeze for all positions. That's the motion on the floor.

Commissioner Rivers said, Mr. Chairman, may we [inaudible]? There was a lot of conversation –. Commissioner McMasters said, may I amend the motion. Chairman Hair asked, want to call the question? Commissioner Odell said, I'll call the question. Chairman Hair said, okay, the question's been –.

Commissioner McMasters asked, may I amend it? Commissioner Odell said, I'm sorry, John [McMasters]. Chairman Hair asked, you want to amend the motion? Commissioner McMasters said, yes, I'd like to amend it. Chairman Hair said, okay, you can amend it. Commissioner McMasters said, okay, I'm amending the motion that between now and September 13th Mr. Vestal be allowed to fill two positions and that after September 13th that we look at the numbers and reconsider the balance of your vacancies. Chairman Hair said, okay. Who seconded the motion? Was it you Dr. Thomas? Who seconded the motion? Chairman Hair asked, will you accept the amendment, Dr. Thomas? Commissioner Thomas said, yes.

Chairman Hair said, okay, so the motion is to fill the two positions now –, that's basically your motion –, prior to September 13th, and after September 13th he can come back and request additional waivers. Commissioner McMasters said, absolutely. Chairman Hair said, that's your motion. Commissioner McMasters said, absolutely. Chairman Hair asked, okay, any discussion on that motion. Commissioner Odell said, discussion. Chairman Hair said, okay.

Commissioner Odell asked, you have five people that you can hire, is that true? Mr. Vestal said, yes, sir. Commissioner Odell said, my only concern with the amended motion is, and I know that we take a conservative stance here, is that if we allow you to fill two, we might lose the other three and those people are not plentiful in the market. It's not like you can just walk out and hire those people at will. Those people have skills that can be traded at a variety of places, and my concern is that these people make all of the money for the Board of Education and the City of Savannah and Chatham County. I'm not an expert in their department. I rely upon the board and it's personnel. If you've got five, I'm going to vote against the motion because I think he needs five.

Chairman Hair said, okay, Commissioner Gellatly and Commissioner Rivers. Commissioner Odell said, and I'm not a liberal tax and spend. Chairman Hair said, he who protests too much. Commissioner Gellatly and then Commissioner Rivers.

Commissioner Gellatly said, okay, I personally would support at this point in time giving the authority to hire five people and for the simple reason that you're dealing with people with special skills. They've got five people at the gate ready to be hired, and I think we need to get on with that because the rest of our budget problems are a moot point if we can't get any property appraised and taxes in to begin with. So we need to go forward with that and, of course –, and I'm handling this delicately –, but the boss of your operation is not available either, so you've got another vacancy out of there right now. This is critical and I personally would support hiring five people right now. I think we need to get on with it.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, I'm like the Chairman. I think that we're going to have some pain because people are going to come back with critical needs, and it's going to rip this thing apart anyway. But let me ask you this. You said you were at risk of being audited by the State or the State coming in to do –. Mr. Vestal said, we're not at risk. It's going to –, this is our review year. It's a fact. Commissioner Rivers said, okay. How –, how close are we to that potential of them coming in and, if you don't get –. How many people is essential to keep that from happening? Mr. Vestal said, well, you just opened up a can of worms. Commissioner Rivers said, I didn't mean to, but –. Mr. Vestal said, I don't know really how to answer your question in a short sentence because right now we're reviewing some properties that were questioned because we were stretched so thin that if we go over our 5% of parcels or appeals, we're going to have some tough reviews from the State. I mean, I don't –, I'll be glad to speak to you. It'll take a while to explain it to you, but –. Commissioner Rivers said, okay, I want to take a while to get that explanation because –. Mr. Vestal said, yes, sir, I'll be glad to. It's a long explanation and I don't know –, we're kind of talking about two different things.

Chairman Hair said, before I call on Commissioner Murray, Commissioner McMasters has withdrawn his motion. Who was the second? Commissioner Thomas said, I'll withdraw. Chairman Hair said, the second, okay. Now Commissioner Murray. I'll go to Commissioner Murray, let's stay in order.

Commissioner Murray said, if I understand it correctly, your board is going to request a waiver, an extension for the digest to be turned in –. Mr. Vestal said, yes, sir, I have a –. Commissioner Murray said, because of some problems that have taken place that y'all have found recently. Mr. Vestal said, yes, sir. Commissioner Murray asked, and it's going to take approximately how long to correct that problem? Mr. Vestal said, we're hopeful that we'll have those done in the next week, but what's happening is we're taking appraisers, several appraisers, and going back and looking at some neighborhoods that we've already appraised. So what happens, you take all these guys from what they're supposed to be doing, so you start not doing what they're supposed to be, so it causes a big problem.

Chairman Hair asked, do you want to make a motion, Commissioner McMasters, another one? You want to try number three? Commissioner McMasters said, yeah, I apologize. Thanks for the help. I can count. Commissioner Odell said, that's the lucky number. Commissioner McMasters said, that's the lucky number. Thank you, Harris [Odell]. At the risk of being clumsy about this, I withdraw the motion and would like to make a new motion. Chairman Hair said, okay.

Commissioner McMasters said, that Mr. Vestal be allowed to hire five of these vacancies. Commissioner Odell said, second.

Chairman Hair asked, any discussion of that motion? Commissioner Murray asked, two of those will be the two that resigned since the budget was approved and plus –? Commissioner McMasters said, yes, sir. Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Commissioners Rayno, Rivers, McMasters, Murray, Odell, Gellatly and Thomas voted in favor of the motion. Chairman Hair and Commissioner Kicklighter voted in opposition. The motion carried by a vote of seven to two. Chairman Hair said, the motion passes. Thank you. Mr. Vestal said, thank you very much. I appreciate it.

ACTION OF THE BOARD:

Commissioner McMasters moved to approve the request of the Board of Assessors to waive the hiring freeze and that they be allowed to fill five positions, two of which occurred since the adoption of the budget for FY 2002-2003. Commissioner Odell seconded the motion. Commissioners Rayno, Rivers, McMasters, Murray, Odell, Gellatly and Thomas voted in favor of the motion. Chairman Hair and Commissioner Kicklighter voted in opposition. The motion carried by a vote of seven to two.

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4. CITIZEN ADVISORY COMMITTEE (COMMISSIONER MCMASTERS).

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. The concept that I have here for my fellow Commissioners is simply to create a citizens advisory group or committee that would be –, its purpose would be to help the Commissioners and the Commission take a look at issues that we ultimately look at and make decisions on. The idea is to get input from every Commissioner and have every Commissioner appoint an individual so that there would be nine citizens serving on this advisory group, and they would be tasked with looking at how we might improve county government. There are so many issues that I have found in my short time here that we are asked to grapple with and make cogent decisions on, and we all know that staff is a wonderful resource that gives us the background and information on subjects that come before us, but they are over-tasked. We put a heavy burden on staff, and that this concept of a citizens advisory group or commission could perhaps augment some of the needs and requests that we put before staff. The idea here is that this group could look into a subject, report back to the Commission and give us sort of a jump start on a particular subject so that we can deal with the issues that are immediate while the citizens advisory group is giving us some preliminary concepts for subsequent things to consider. Several citizens have expressed an interest to me directly, my constituents, of wanting to have –, wanting to provide some assistance on a voluntary basis along these lines. A third reason that this would be successful, I believe, and helpful is that it would, to a large degree, back the politics out of a subject and just frame up the facts, and facts are awesome things. It will help get the –, get the politics on the outside of the issue and the facts of the issue at the forefront. It's kind of like the prewash cycle on the washing machine, when you get to the wash cycle it goes a little bit smoother. The –, here's some examples of subjects that either we have been confronted with or will be confronted with that I would think that a citizens advisory group could be extremely helpful for the Commission. The police merger, that's an issue that's floating out there that is an important issue and the nine-member citizens advisory group might be able to give us some perspectives that from a public perspective we just haven't received as yet. There are library issues that this group could consider and help us get a jump start on discussing it and solving. We've had challenges with constitutional officers and the Commission, we've had challenges with the School Board and the tax collection fee, and the goal here is for –, to increase it and improve general government efficiency. The implementation would be that we would have a sunset provision for this group as a pilot program, six months, eight months, whatever my colleagues may feel like the idea may deem the proper amount of time; and if it's successful, it can go forward; if it's not, we can drop the idea. The reports and the facts and the findings that this group would produce would be informational only and not be binding, and I'd like to suggest, if this is a good idea, that we might, you know, start this up, you know, in October or November.

Chairman Hair said, I'll make some comments first and then Commissioner Odell is next on the list and anybody else that wants to speak. I realize the comments I'm about to make are a little risky because, you know, when you talk about maybe being critical of a citizens advisory committee is kind of like criticizing mom and apple pie and the flag, and I realize there's a lot of risk in that, but I think it's one of those ideas, Commissioner McMasters, that on paper sounds really great, but when you try to put it in practice operationally there are numerous pitfalls to it. First of all, I don't know about y'all, but I get 85 to 90 phone calls every single day on County business. Citizens have no problem giving me input. I get it positive and negative every single day. The difficulty operationally with something like this is –, and you alluded in your opening comments, Commissioner McMasters, about staff time –, every time you create one of these citizens advisory groups, you're going to add tremendous time to staff because they're going to need information, they're going to have to get documents, and they're going to have to get legal opinions from the County Attorney, and they're going to have to do all of these things, and I will promise you, you will add a lot of work to the staff when you create these bodies. My second concern is how they would get on the body. You know, you say it takes the politics out of it, but, you know, if they are appointed by us, we're politicians and we're going to appoint people that we like or we think's good

or we think's knowledgeable, and I'm not sure we always know that about somebody. Secondly, if we allow for volunteers to volunteer for these groups, that's equally dangerous because the people that volunteer for these kinds of things tend to have agendas. They're either for or against something going in, and I think to think that we would get unbiased people, whether we appoint them or whether they volunteer, I think is a little bit naive. I don't think you would get those kind of folks. I mean, look at the kinds of people we get on bodies now that we appoint to, the various bodies, the Library Board, MPC, and all of those. Some of the biggest problems we have with those is they tend to be political appointments, and they tend to, you know, or either they fall in the other category I talked about which have –, have agendas. I think it sounds good on paper, but I think we're adding a tremendous burden to staff with this. I think we –, on a lot of critical issues we have public hearings on anyway, and public hearings are a great way to get public input, that people are concerned enough to come to a public hearing, and I would support increased public hearings on issues. I think that's a very healthy thing, but it just concerns me a little bit about the structure. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I have that in part and in part what I'll do is I'll get a couple of the neighborhood association presidents together, run the idea concept through them, and see their reaction and kind of sit back, and we often do that at lunch, and I've found that that's been extremely helpful in solidifying my thoughts one way or the other. I agree with the Chairman that if we appoint them, it's political. The only way that it's not is that if we are looking at, using your example, the merger of the police department, as an example, I refuse to believe that just because someone has an opinion that that makes them an expert. I believe that qualifications and credentials makes you an expert. If we wanted an opinion as to the feasibility of this merger, then I would like an expert who has some credentials in this area in this particular field to give an unbiased opinion –, when I say unbiased, that is their –, individuals, depending on which side of the street your are, who are for this concept and who are against it. So, if we did something like that, I would prefer to have those who have some level of qualification other than they are the loudest person in the neighborhood or the most cantankerous. I don't think that qualifies as having special knowledge in a special area. But I don't know, it may. The other problem is, too, that if you have this committee and the committee functions, we must be willing to accept their opinion. One of my greatest fears would be if we had a committee that we, through [inaudible] politics, that we appointed and one of the issues that they looked upon and gazed upon with their eye wisdom was our library system, and they said to us, Mississippi, and we said, what do you mean, and they said, only Mississippi spends less on library funds than Chatham County. My concern would be, we would be in a position where we'd have to accept their recommendation. I don't want a committee unless I'm willing to accept their ideas. I think that we have a very diverse group here and, contrary to popular belief, I think it's good for individuals to be passionate about their particular idea, and we have a group of passionate Commissioners. I mean, it just overflows with passion, and that's good, and we, in turn –, I know you, Jeff [Rayno], Joe [Rivers], Frank [Murray], Dr. Thomas, Dean [Kicklighter], and David [Gellatly], you have neighborhood associations where you meet or attend at their request and you get input. Unlike Billy [Hair], I don't get 90 calls, but I'll get five or six calls a day. I've still got two children in college and neither one of them –, and I said this [inaudible], was kind enough to get a Hope scholarship. They got a daddy scholarship, and I just don't need more time. I don't need to have more uncompensated time, and I say that with all warmth and I hope I didn't offend anyone. I see smiles. Commissioner Murray said, you must not have.

Vice Chairman Thomas said, thank you, Commissioner Odell. Vice Chairman Thomas said, recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. I kind of agree with Dr. Hair and Commissioner Odell in the part of appointing the people. You know, I'm going to try to appoint somebody that opposes a police merger and thinks kind of like I do, so, you know, and I believe we would all do that. So I agree on that part of it, but, you know, I agree with Commissioner McMasters. It's an idea, and I believe this concept is utilized in other cities. Why not try it on a six-month basis. If it works good, then great, and if not, we get rid of it. And, you know, it can't hurt to try new things in life and, you know, it's pretty much that cut and dried. If it works great, we continue. If not, we get rid of it. It really don't hurt to try something new.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, well, basically, Mr. Chairman, I think between Commissioner Odell and Kicklighter they have expressed my concerns.

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

Commissioner Murray said, I think the concept is good and, as a matter of fact, Commissioner McMasters had run this by me earlier, and I think the concept is good, but listening to the discussion, I think the only way that this appointed body or advisory committee would work is if we had a unanimous vote up here to do that. Otherwise, it won't work because we're going to have some Commissioners that would not really participate in that appointment process. So without a unanimous vote from this Commission to do it, again, I don't think it would work. So I think the best thing we can do is continue to try to go as many neighborhood meetings and called town hall meetings ourselves throughout our districts and gather the information that way, and I think all of us stay with pretty busy schedules, but –, and I, for one, have been lacking on having town hall meetings. I've thought about them on certain subjects and just never have quite got them put together recently. So, I will make a commitment that I will start working on that from the Fourth District area anyway, and maybe that will help give us some more input of what we need in these areas. We all have facilities

throughout our districts that we could have these meetings in, so I would recommend without a unanimous vote on this, that we put more town hall meetings and neighborhood meetings and things.

Chairman Hair said, Commissioner Rivers and then Commissioner McMasters for a motion.

Commissioner Rivers said, I have for the last eight years a Second District meeting in conjunction with the Second District Alderman, and in conjunction with the School Board person, and in conjunction with the State Representatives. That's every month at St. Pius, and we have a good cross-section in my community where we get input on every facet of every issue. We also attend another five or six neighborhood meetings, especially Eastside Concerned Citizens because they're one of the most active, but I also have five others that I'm periodically at. I don't like a whole lot of bureaucracy. I would like to just sit back and my decisions and look over issues and deal with it and get input from my folks out there within my community. I think when you get an isolated group, as you say, we either appoint those who we want to be on there, and of course we can just agitate that a little bit to get what we want out of, and I just would rather us do pros and cons here on decisions when we finally get them and bring it back to the table. I just think that we need to be a little better informed in issues and pay more attention to issues and deal with them.

Chairman Hair asked, Commissioner McMasters, would you like to make a motion? Commissioner McMasters asked, may I make a comment? Chairman Hair said, certainly.

Commissioner McMasters said, I have –, and I'm serious when I tell you that people come to me who want to participate in something like this, and the idea of us stacking the deck I think is a little disingenuous. I, for one, can make an appointment to this without bias. I have three or four people in mind. Yeah, I know that they've got feelings about certain issues, but nonetheless they are qualified, objective and fair citizens that want to participate. A six-month trial is not a great burden. The benefits outweigh the deficits in this. And personally, with all due respect, I have been to the Savannah Renewal Development ribbon cutting, I have been to the Sandfly Georgia Conservancy meeting, I've been to the Cuyler-Brownsville four-hour workshop, and I spent some time out there. I need help on the other issues. I'm going to as many meetings as I can, and I've seen some of the Commissioners at those meetings and I was pleased to see that, but I'd like to have a non-binding informational only quality citizens opinion so that this Board can get more information to operate with. So, I'd like to make a –.

Chairman Hair asked, would you like to make a motion? Commissioner McMasters said, yeah, I'd like to make a motion that we consider –, that we move forward with the concept of a citizens advisory committee. I will draft a report and provide it to all Commissioners, and I'd like to have an affirmative vote that this concept is valid and that it warrants further exploration. Chairman Hair asked, do you have a second? Commissioner Rayno said, second. Chairman Hair said, all those in favor –.

Commissioner Murray said, let's have some discussion on it first. And I will –, I will vote for that, but I would like –, I would request that we would hold off on a vote on this until the next meeting and give each Commissioner up here some more time to think about this and digest a little bit more, and you can talk with each one, too, and maybe get your point paper out to each one of us of how you would like to see this committee set up so we'll have time to look at that. I mean, I will support the motion, but I would ask that you would wait until our next meeting to do that. We've got three weeks. That gives you time to get that information paper out to each one of us, we can look at that and then come back and make the final decision.

Commissioner McMasters asked, may I comment? Chairman Hair said, certainly. Commissioner McMasters said, what I'm looking for is an affirmative vote on the concept. Implementation will require a second vote, and I will personally talk to each Commissioner to find out their thoughts and come back at a future meeting for implementation. Commissioner Murray said, oh, I misunderstood. I misunderstood your motion.

Chairman Hair said, Commissioner Kicklighter and then Commissioner Odell.

Commissioner Kicklighter said, like I said earlier, I like the concept, I like the idea, but I have to agree with Commissioner Murray on I don't want to see the so-called gang of five implement right now this concept when there's four others that if they don't like it, because then it's a –, it's not going to be good. If all these people will do it, John [McMasters] –, excuse me. Commissioner McMasters, there, that if they'll do it, I'm along, but if it's five, it's a bad idea. It's got to be nine. I mean, quite honestly, it has to be all nine in this thing.

Commissioner Odell recognized Commissioner Odell.

Commissioner Odell said, John [McMasters], I think you and I have a luncheon next week. Commissioner McMasters said, yes, sir. Commissioner Odell said, I'll support the concept, and that's all that you're asking us to do. Commissioner Murray said, it's just a concept. Commissioner Odell said, it's just the concept. It is not –, it'll be a second vote to actually form the committee. Am I correct? Commissioner McMasters said, you're correct, yes, sir. Commissioner Odell said, I'll support the concept. Chairman Hair said, all right. Any other –. Commissioner Odell said, you and I will talk later about that.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I want this thing to be –. Do you support the concept? Chairman Hair said, no, sir. I just can't. I just think you're going to find –, you know the old saying, the devil's in the details. That's what you're going to find here, the devil's going to be in the details. Commissioner Kicklighter said, if I may ask, what can you see in the problem in looking at the details and at least just hearing what the Commissioner has to say in the future and then voting it down at that point. Chairman Hair said, I'll be happy to answer that question, Commissioner Kicklighter. The problem is going to be what I said at the outset. The problem is going to be how they're going to be appointed, are they going to be volunteers, are they going to be appointed by us, are they going to be appointed by some political body and they're going to have a –, that's –, and how it's going to operate, you know, how –, are we going to allow them unfettered access to the County Manager, are we going to have unfettered access to the County Attorney, you know, they're going to start calling department heads and, you know, you're creating –, I'm telling you, it sounds like a –, you remember I said a while ago it's kind of like criticizing mom and apple pie and the flag. I know this is not popular to criticize this, but I'm telling you, I think it's one of those warm fuzzy feel-goods that sounds great and politicians love, but when you start putting it into practice, it is full of pitfalls. I mean, there is pitfalls everywhere. There's land mines all over the place, and, you know, I guess I don't see –, everything's got a cost and a benefit, and if you look at the potential benefits, would there be some benefits? Possibly, but if you look at the cost side, the costs outweigh the –. There's going to be some costs. To think that you can do a citizens advisory committee and not –, there's going to be some serious dollar costs to these things, you know. Commissioner Kicklighter asked, how –, how would you come up with that? Now, I know –. Chairman Hair said, well, I'll tell you. They're going to take tremendous amount of staff time. They can't do their job –, think about it. They couldn't do their job if they don't take up staff time. How are they going to get the information from folks? They've got to get it from staff, they've got to get it from the County Attorney, they've got to get it –, [inaudible] out. That's how they're going to gather information, and they've got to use that. So that's why my –, you know. Dr. Thomas and then Commissioner McMasters and then Commissioner Rivers.

Commissioner Thomas said, please help me to understand what you're saying. You want approval for the concept –. Commissioner McMasters said, yes. Commissioner Thomas said, only. Then you will provide the Commissioners with detailed information regarding the concept. Commissioner McMasters said, yes. Commissioner Thomas asked, am I correct? Commissioner McMasters said, yes, ma'am. Commissioner Thomas said, then at the next meeting, if we like the concept and wish to vote, you know, in the affirmative or whatever, we can do that. Commissioner McMasters said, yes, ma'am. Commissioner Thomas said, but by voting for the concept today, does not mean that it's going to happen. Commissioner McMasters asked, may I respond? Chairman Hair said, certainly. You're next. Commissioner Thomas said, I'm just asking.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, Dr. Thomas, you're absolutely correct. It's merely affirmation of the concept. Dr. Hair has suggested that unfettered access here and there and everything. I've never suggested how much time or if they even should have time. This is merely a concept, and if the actual structural outline and analysis doesn't please you, at least you've looked at it and then voted it down. But conceptually, I see nothing wrong with entertaining the idea of having a quality blue ribbon panel assist us in our issues.

Commissioner Thomas said, okay, then my final thing then, you know, I would not have a problem with that. The only thing I would have a problem with is, you know, if we're going to approve it before we have an opportunity to look at it and digest it and then make our decision. Commissioner McMasters said, I –, in my mind, you would have all of those options.

Chairman Hair said, okay, Commissioner Rivers is next.

Commissioner Rivers said, you know, I used to have an advisory board, all the people that I would appoint to various boards, and we'd sit down and we'd talk about issues, and we abandoned that. But the problem that I have with an advisory board is the same problem that I have with this Board here. My priorities will not always get the top attention. I don't need another board out there bringing me a bunch of things. I'd rather wrestle those things up among us and try to square them away, but I don't need another board out there that's going to be dominated by some guy that has the expertise and my little guy out there that may not want to speak up or may not want to do certain things, I am the voice of my citizens. I make the decisions based on the input from them. I do not need another group, I do not need another person out there –, I just don't need it, and conceptually I would be against it. So, I mean, that's it, and I'm going to remain that way.

Chairman Hair said, okay, we're ready for the vote I think. All those in favor of the motion vote yes, opposed vote no. Commissioners Rayno, McMasters, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioner Rivers voted in opposition. The motion carried by a vote of seven to two. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner McMasters made a motion to approve the concept of a citizens advisory committee, the details of which will be contained in a report prepared by Commissioner McMasters and provided to all Commissioners and brought back at a later date for a vote on its implementation. Commissioner Rayno seconded the motion. Commissioners Rayno,

McMasters, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair and Commissioner Rivers voted in opposition. The motion carried by a vote of seven to two.

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5. ANGELA MARTIN CLARIFICATION (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, we had I guess a couple of meetings back an individual that came with a homestead exemption that was –, where she was told that she was –, had never applied for it and did have the proper stuff where she did apply for it, I think it was February of 1984, and we also agreed, reluctantly some of us, that we could not go back more than three years and reimburse her for that tax that she had paid that she shouldn't have had to pay, but we also agreed, if I'm not mistaken and that's why I wanted clarification, and whoever made that motion to clarify it, that we could go back and pay the interest or something back until –, and I think it was a unanimous vote of this Commission to do that, if I'm not mistaken –, and now we're being told that that's not going to happen. So I would like to find out who made the motion so he can clarify that motion exactly what was said, and then get the opinion from the Attorney of why it has not been paid.

Chairman Hair asked, do we have the minutes present or can we –? County Attorney Hart said, yes, sir. We've got about three or four pages worth of minutes and multiple discussions on that subject. Chairman Hair asked, what was the motion? Let's go backwards in this. What was the motion? County Attorney Hart said, well, it's –. Commissioner Murray asked, who made the motion? County Attorney Hart said, there were several motions, and one withdrawal, and then at the end of page three of the motion it said:

Commissioner Murray said, nothing that we said was referring to was putting the blame anywhere, blah, blah, blah, so if we are going to go with or without the State law, that's up to everybody. Chairman Hair said, that's [sic] all right. We have a motion. Did you second to motion, Commissioner Rayno? Commissioner Rayno said, yes. Commissioner Kicklighter asked, what's the motion? The Chairman 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, that is the law [sic] does not prohibit, it remains silent on what –, 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. [Commissioner Rivers was not present.] Chairman Hair said, the motion has passed.

Commissioner Murray asked, who did you say made the motion? Because I understood the motion to be that that would be reimbursed. Not the actual taxes, but the rest of it would be reimbursed back through '84. Chairman Hair said, as he read the minutes, I don't think that's what the minutes reflect, but that doesn't mean –. County Attorney Hart said, well, the problem is there was a discussion and there was a motion made early on and then there was three or four alliterations or modifications of that motion, and with much discussion in between there, with some discussion about how far back we could go. We were very clear on that from the County Attorney's standpoint that you had a three-year window, and then we got into an issue of interest and I said the statute the silent as to interest. What ultimately happened here was we refunded the three years. I asked the Finance Department to compute the most favorable interest rate that they could reasonably justify to the lady for that three-year period, and we followed the original three-year amount, which was a thousand and some –, a small amount above that, reimbursed her seven hundred and some-odd dollars, which constituted three years' interest. There were various fluctuations in that amount based on what the interest rate did over those three years, and that's what we did.

Chairman Hair said, Commissioner Murray, one way to clarify this, if you choose to take this avenue, I think the motion at least as is in the minutes is three years' interest and principal. If you wanted to do the interest back to '84, you could make that motion and that would clarify it if it passes.

Commissioner Murray said, well, I do because I feel like that was the intent of the motion to begin with and I think that Danny Powers –, and I don't think Danny's here now, he's gone I guess, he was here earlier –, also had that same and he felt like that was the intent of the motion because that's what he told the lady when he sent the check that he sent to her. County Attorney Hart said, well, I can tell you that before we did this, we went back to the minutes and read the minutes because there was a –, just about every Commissioner had some discussion on it. Commissioner Murray said, well, I understand that because Reese [White] came up to me in the hallway at a meeting I came to and asked that question and I told him I don't know what the minutes said, but I know what the intent of the motion was at the time.

Chairman Hair asked, is it your legal opinion –, Commissioner Murray certainly can make that motion and it will probably pass, but is it your legal opinion that we cannot even for interest go back past the three years. What's your legal –? County Attorney Hart said, at the –, the interest at the time of that meeting was something that the statute was silent on. There's a Delta Air Lines case out there that has come up in the last several years in which it is indicated that when you have a reimbursement situation, the taxpayer may be entitled to interest on the money, but the way the Delta Air Lines case came down, and it's not definitive because it was kind of decided on the side, it said but the interest is computed from the date of the request for reimbursement, and the reason being in that case was that –, and I don't mean to be flippant about this –, but they take the position that somebody who wrongfully pays their taxes is a legal

volunteer. Now, everybody in this room knows that nobody does that voluntarily. So, in the process of doing that, when we read the minutes the motion said three years plus interest. There is an older Attorney General's opinion and we just took the more liberal position that we could go back three years under the statute and that we would reimburse her three years in interest, and that's how we derived that amount. Chairman Hair said, but you haven't answered my question. My question is, is it legal in your opinion to go back prior to three years with the interest payment? County Attorney Hart said, I don't think you can rebate -, if you can't go back on the principal amount more than three years, I don't think you can go back on the interest on an amount that you can't reimburse. That's just -. Chairman Hair said, okay.

Commissioner Odell said, and the reason you can't is that it would violate the gratuitous clause. County Attorney Hart said, that and there's always the question of whether you're, you know, refunding the money, whether you're giving away taxpayer money. That's just an issue.

Chairman Hair said, okay, Commissioner Murray, if you want to make a motion and if it passes based on that -, I personally would vote against it, but I mean I -, it's probably got -.

Commissioner Murray said, I'm going to make the motion anyway. Chairman Hair said, okay. Commissioner Murray said, and the reason I'm going to make the motion is I don't think it's right for a government to be able to make a mistake and screw a citizen -, wrong terminology -, and then come back and not be able to reimburse that citizen for what the government did wrong. And I will always take that stance whether the law says we can do it or not. So I'll make a motion that we do go back and reimburse her the balance of that interest.

Chairman Hair said, okay. Does that motion have a second? Commissioner McMasters said, second. Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Commissioners McMasters, Murray and Gellatly voted in favor of the motion. Chairman Hair and Commissioners Rivers, Odell and Thomas voted in opposition. The motion carried by a vote of four to three. [NOTE: Commissioners Rayno and Kicklighter were not present.] Chairman Hair said, the motion fails.

ACTION OF THE BOARD:

Commissioner Murray moved that Angela V. Martin be reimbursed for the balance of interest on the amount of money she overpaid in taxes due to an error on her homestead exemption back to 1984. Commissioner McMasters seconded the motion. Commissioners McMasters, Murray and Gellatly voted in favor of the motion. Chairman Hair and Commissioners Rivers, Odell and Thomas voted in opposition. The motion **failed** by a vote of four to three. [NOTE: Commissioners Rayno 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. **BOARD CONSIDERATION OF ZONING BOARD OF APPEALS FEE SCHEDULE. Note: At meeting of July 26, 2002, item was tabled for more information. Staff requests this not come off the table until the 23rd of August.**

Chairman Hair said, we're going to do the Zoning Board of Appeals first meeting in September -. County Manager Abolt said, no, sir. I'm sorry. This is on the issue of fees and Mr. Newton is here, if you wish. You have just the written analysis -. Chairman Hair said, all right, I need a motion to take it off the table. Commissioner Odell said, so moved. Chairman Hair said, Board consideration, Zoning Board of Appeals fee schedule. Do y'all want to take it off the table or -, it's up to y'all. Commissioner Murray said, yeah, that's why they're here. Let's go ahead and take it off. Chairman Hair said, all right. I need a motion. Commissioner Odell said, I made the motion. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rayno and Kicklighter were not present.] Chairman Hair said, the motion passes.

Chairman Hair asked, how long do you think this will take? Mr. Milton Newton said, my part is very short. Chairman Hair asked, I mean, do you have -. Do the Commissioners have questions about it or -. County Manager Abolt said, this is your issue. Some time -, not some time back -, within the recent past an issue came up on the Zoning Board of Appeals and what the fees were charged. You had specific questions. Staff was unable to provide the answers and now we are able to do that. It's in a written report in response -. Chairman Hair asked, do any Commissioners have -, rather than -, I think if it would be better to have question and answer. Does any of the Commissioners have questions on this? Commissioner Rayno, we're on the item of Zoning Board of Appeals fee schedule. We're trying to

get if anybody has questions; otherwise, we can go a head and deal with it. Anybody have questions? Does anybody want to make a motion to improve the scheduling?

Commissioner McMasters asked, could I get a question? Chairman Hair said, certainly. Commissioner McMasters asked, is in the definition of Item 2, what constitutes the \$1,060 MPC cost? The paragraph says, "[t]he cost for each activity consists primarily of staff wages and fringe benefits. However, the fees are designed to also recover the pro-rata share of overhead costs, including rent, janitorial, electrical, vehicles for field investigations...." I mean, how taxpayer friendly is that? Mr. Newton said, the MPC activities are all separated according to the type of activity. For instance, CUTS, the Zoning Board of Appeals, Water Quality Management, and each according to the amount of staff effort that's involved, it is prorated share –, an equal –, is given a prorated share of the overhead costs. Those costs are not met in any other way except through those programs. Commissioner McMasters said, well, going –. Mr. Newton said, it's the policy of –, the way the County wishes to do it. We have no dog in the fight as to whether there should or should not be fees or whether it should be paid through general County, you know, taxes. That's the policy of this Board. The only, I guess, dog that we have in the fight is that there is a cost for that service that does need to be met either through fees or through general County taxes. Commissioner McMasters said, through funding. Mr. Newton said, right. Commissioner McMasters said, granted. And I can see a taxpayer saying, well, I'm paying my M&O taxes, why are we putting in janitorial, rent, I mean, we're stacking these fees I think and it would be provident for a taxpayer to say, hey, I understand –, by the way, I like your allocation of time costs relative to the fee recommendation, but it just seems like we've thrown in the kitchen sink and we have total costs, fixed, variable and [inaudible], and we're now going back to the applicant and saying, these are all your costs. I think the applicant has the right to say, what am I –, and we hear this in LOST –, what am I getting for my M&O, and I presume this applies to whether it's a developer or a regular individual. Mr. Newton said, that's correct. It is SSD. It all comes out of SSD, but through the fees. Commissioner McMasters said, well, fine, SSD budget then. I mean, but is it –, is that not a legitimate perspective for a applicant. County Manager Abolt said, no, sir. Commissioner McMasters asked, no?

Chairman Hair recognized County Manager Abolt. County Manager Abolt said, no it's not. Policy wise, and Milton [Newton] has done an excellent job of explaining, it's a policy of this –, a previous Board. It's still in place. It has to do with user fees, and you'll recall the discussions past in meeting where in effect rather than having the taxpayer subsidize an activity that in effect benefits a few, the few should pay, and that's what this is all about. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, this is one time probably I'll disagree with John [McMasters] on anything, but these people need to pay if they're going to use the services, and you can't expect every taxpayer out there to pay for something that somebody has a decision and they want to change something on their property. It's just not right.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, my whole point was not to say they shouldn't pay it all. I was questioning the breakdown of how you arrived at the numbers that you're using. I know originally it was \$1,180 to appeal something. Now it's been dropped to \$420, and out of that supposedly \$120 of that is advertising. Mr. Newton said, yes, sir. Commissioner Murray asked, how often do we make mistakes in the legal ad that we put in the paper to advertise it? Mr. Newton said, I don't recall any Board of Appeals legal ad mistakes. Commissioner Murray said, okay. My other question is where does this money go once it's paid? Who receives the funding? Mr. Newton asked, once the fee is paid? Commissioner Murray said, yes. Mr. Newton said, it's paid to the County and the County, I believe, puts it into the MPC account. County Manager Abolt said, there's a revenues account in SSD, line item revenues from this. Commissioner Murray said, what I'm saying though is if all the work is done through the MPC, does that money go back into the MPC's budget? County Manager Abolt said, yes, sir. Commissioner Murray asked, and it does not reduce another side of their budget? County Manager Abolt said, no, sir. No, sir, a part of MPC budget is offset by revenues. Commissioner Murray said, okay.

Chairman Hair asked, any further questions? Anybody want to make a motion? I guess we need to –. Commissioner Murray said, well, yeah. The developer's fee is higher than the individual fee? County Manager Abolt said, correct. Mr. Newton said, yes, sir, that's correct. Commissioner Murray said, I wanted to make that plain so people understand that. They don't go in and do a large tract of land and pay the \$420 –. Mr. Newton said, only the single-family owner-occupied units get the reduced fee.

Chairman Hair said, we have a gentleman in the audience who wants to speak. Come forward and state your name for the record, sir.

Mr. Steve Day said, my name is Steve Day. I'm Chairman of the Chatham County Zoning Board of Appeals and the user fees that were initiated a few months ago, user fees seem reasonable to me. The fees that we're charging the developers can be passed on to the people who are buying into those developments as part of the cost of development. As far as the homeowners are concerned, the four hundred and some dollars that we're charging these homeowners, is absolutely ridiculous. What you have is a drastic reduction in number of people who are coming before our board, so what people are doing is they're saying to heck with it, I'm going to break the law, I'm going to do it the way I want to do it; if I get caught, I'll go and ask for forgiveness rather than permission, and that's what we're seeing. So what you're doing is basically –, I know you're trying to recover costs, I fully understand that, but what you're doing is you're

pushing the people away. Now, are your dollars being reduced? Maybe not, because the fees are higher for you're actually pushing people away from this committee.

Chairman Hair said, you know, your statement about developers just pass it on, you know, what you're saying is that ultimately the citizen's paying for it anyway, so you really –, the citizen's going to pay for it and the person who buys the property is going to pay for it. Just to say the developer passes it on is not –. Mr. Day said, well, what I'm saying to you is that every single developer, whether it's land or commercial property, and on both, you figure the costs of all of your fees in your return on investment, and if your return on investment is not satisfactory, you're not going to do the project. So if they know these costs up front, up front, then they're going to pass them on. Chairman Hair said, if this passes, you're going to raise the cost of a house in Chatham County because the developer's going to have to pay more, which he's going to have to pass it on –. Mr. Day said, Mr. Hair –. Chairman Hair said, – so you're –. Mr. Day said, the cost of property downtown's gone up three times. The cost of housing is continually going up. Chairman Hair said, that's not relevant to my concern, sir. Mr. Day said, I understand. Chairman Hair said, my concern is that you're –, you know, let's don't fool ourselves by saying, well, the developer's paying it, you know. Mr. Day said, the homeowner or whoever is buying the property –. Chairman Hair said, the citizen's paying it, not the developer, okay. So that, you know, just to kind of –. Mr. Day said, but I'm not fluffing that off. The cost is going to be passed on to the people who are going to buy the project, absolutely, but they're going to know that up front. They're not going to have to come in at a later date as a homeowner and pay \$400 or \$500 and say, hey, I want to move a fence and then we turn them down. Make it a reasonable fee. The City of Savannah does \$100, I think. That's reasonable.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, Milton [Newton], on these –, this sheet you gave us it says here 2000-2001 you had 13 applicants and in 2001-2002 you had 17 applicants. Are these just the residential or are these including developers? Mr. Newton said, the 13 and 17 are inclusive. The 4 and the 7 are the homeowners, single-family homeowners, the figure in parenthesis following the 13 and 17. Commissioner Murray said, parenthesis following, I don't see that. Mr. Newton said, in the table. County Manager Abolt said, first page, 1.a. Commissioner McMasters said, page two. Well, it's an undated memo. Commissioner Murray said, here it is on the first page. Okay, so you've actually had –, okay, you had 40 residential or private homeowners –. Mr. Newton said, no, that's total 40, commercial and residential, 25 of those were single family homeowners. Commissioner Murray said, that's right. In 2000 you had 25 single family –. Mr. Newton said, right. Commissioner Murray said, 2001 you had 4, 2002 you had 7. Mr. Newton said, that's correct. Commissioner Murray asked, and why do you think that the number continues to go down? Mr. Newton said, well, the number went down with the initial adoption of the fee, then in year 2001 in the fourth quarter, the Commissioners reduced the single-family homeowner fee from the \$1,060 to the \$400 and then the applicants for single-family homeowners went up 75% in FY 2002. Commissioner Murray said, okay.

Chairman Hair said, okay, Commissioner Rivers and then Commissioner Kicklighter.

Commissioner Rivers said, Russ [Abolt], when you said that it costs \$120 for advertising. Mr. Newton said, yeah, now that money goes directly to the County. MPC –, that doesn't go to MPC. That money goes to the County for advertising –. Commissioner Rivers said, no, I'm saying, that's what you say that we charge. Mr. Newton said, yes. Commissioner Rivers said, then if you charge –, the City of Savannah is charging \$100, and you've got to advertise, you've got a deficit there, don't you? Mr. Newton said, okay, I'm not –, I think the City's may be a little more than \$100, but –. Commissioner Rivers said, that's what the –. Mr. Newton said, it covers their advertising cost whatever theirs is. Commissioner Rivers said, okay. Well, what is the City's actual –? Chairman Hair asked, does anybody know? Mr. Newton said, I think it's the \$100-\$120 range, but I don't –. Mr. Day said, I was told it was \$100. Mr. Newton said, it may be.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, this is the first time I've heard that my philosophy came true. Whenever I voted way back when to reduce that price to the 400, I figured that we would actually increase revenues and you said there was a 75% increase in appeals, so –. Mr. Newton said, but a decrease in revenues. Chairman Hair said, yes. Commissioner Kicklighter asked, well, what is the original price we dropped from? Mr. Newton said, from the \$1,000-plus. Commissioner Kicklighter said, okay. Mr. Newton said, to the 400. Commissioner Murray said, it was \$1,180 is what the original fee was. Commissioner Kicklighter said, okay. Chairman Hair said, the numbers went up, but the dollars went down. Chairman Hair said, okay. Chairman Hair said, the dollars went down. Commissioner Kicklighter said, if we can hold true on the same with the developers and reduce it somewhat, at least we're going to have more people utilizing the system rather than breaking the law, and the numbers come out –, have to come out close at that with a 75% increase.

Chairman Hair said, you know, I guess my concern about that, Commissioner Kicklighter, is that, you know, when we say we're going to charge the developer more, it sounds like we're charging somebody that's not bringing anything to the County. I mean, it sounds like –, I mean, these are the people that go out here and buy raw land and put roads and water and sewer in. They bring tax value to Chatham County –. Commissioner Kicklighter said, right. Chairman Hair said, I mean, I don't think –, you know, I really think that to ask them to pay an exorbitant share of this is wrong. I mean, and ultimately, as the gentleman said, it's going to be passed on to the homeowner anyway, so you're really –, you know, you think you're sticking it to the developer, but you're really not sticking it to him.

Commissioner Kicklighter said, I think you misunderstood me. I said we need to decrease the fees to the developer. Chairman Hair asked, why don't we have one fee? Commissioner Kicklighter said, that's what I'm saying. I believe we're on the same —, same page on that. Chairman Hair said, we have one fee, one fee. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, there is a tremendous difference in taking a large tract of land and appealing that and coming through in the process and the cost to go through that process. That's why we have two separate fees, one smaller fee for single-family private individuals, and then one for large tracts of land. Mr. Newton said, not —, it's not quite —, the actual cost of going through the process for a large development and a single family is almost identical because it's the amount of meeting time, you know, that staff is —, that's in the meeting, we still have the staff report that has to be written, and we still have the telephone calls and the meetings that —, with surrounding property owners and those sorts of things, so —. Commissioner Murray asked, so are you making a recommendation? Mr. Newton said, no, sir. We're just saying that —, we're just asking to make sure that the County covers the cost of the activity whether it be through fees or through SSD. Commissioner Murray said, see, I was —. Chairman Hair asked, if it's costing about the same, then why is it —. Commissioner Murray said, see, I was not going to vote to make any changes and leave it like it was. I just wanted a report to clarify some numbers, and now you're talking about going down to the same for all of it, which I think is wrong, but anyway —.

Chairman Hair said, Commissioner Rayno and then Commissioner McMasters.

Commissioner Rayno said, if your assessment is the same, it's kind of confusing to me because I think the Sandfly issue and Target, there was numerous meetings on that property and still it's in a turmoil on that property compared to somebody that wants to change their fence. You cannot compare the two and say they're the same. There's no way. Mr. Newton said, I think maybe the nature of the Board of Appeals activities is probably what's in question. On the one hand, you have the zoning actions, which are —, generate a lot of heat and light, then you have site plan issues, which is what Target was, then you have the Board of Appeals, which is a much more streamlined narrower focused issue which consists primarily of staff work and the meetings before the Board of Appeals. There —, occasionally the board will get a hot potato, and maybe the chairman can respond to that, but they generally take considerably less time than zoning issues or some of the site plan review issues that are controversial.

Mr. Day said, we had an opportunity to review the County board meeting, I guess a couple of weeks ago, where you folks ruled on a request that we made in language change. During the course of our review of that, I recognized that not a single member of the Board understands what the Zoning Board of Appeals does. Not one. Nor did the County Attorney, nor did the Assistant Director of the MPC. We have one function. We rule on decisions made by the Zoning Administrator. We do not rule on decisions made by MPC. So, you know, to say that the cost is the same, it's not because unless the Zoning Administrator rules on it, we're not even going to see it. So the cost is going to be significantly less for a small property, but if you're looking at a large tract of land, more often than not —, and I would say in the number of years that we've been there, we haven't ruled on a large tract of land. Now, we had the Target and the Kroger come before us, but we refused to hear the case because it was decisions based upon MPC rulings. We can't do that. So I would agree that the costs are going to be basically the same, the staff time basically the same, so the fee could be basically the same.

Chairman Hair said, you know, first of all, it's more a question than a comment. I think we did understand. I respectfully disagree with you —. Mr. Day said, not —, excuse me, but not what I heard. Chairman Hair said, okay, let me also say though that oftentimes in MPC rulings they ask for an opinion of the Zoning Administrator and then —. Mr. Day said, they can ask for opinions, sir. Chairman Hair said, — then it would come to the Zoning Board of Appeals. Mr. Day said, no, and that's one of the problems that we had, and I think it was on the Target. They did ask for a decision by the —, or an opinion by the Zoning Administrator, so they brought that to our board, and the County Attorney —, in conjunction with the County Attorney we ruled that the Zoning Administrator did not make a decision, that the MPC made the decision; therefore, we could not rule on that. So, now, personally I agree with you that if the Zoning Administrator gives an opinion, in my —, the way I feel about it, he's advocating his responsibility and, in essence, that's a decision within itself, so we should be able to rule on it, but the board made the decision that we could not simply because the decision was made by the MPC. Chairman Hair said, no, he did not make a decision on it. Mr. Day said, that's correct. Chairman Hair said, thank sir, I appreciate that clarification. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno asked, why don't we make a motion to have the same fee for both if it takes the same amount of time, and let's come together on a figure? Chairman Hair said, do that, I agree. Commissioner Rayno asked, what should the figure be? Halfway between the higher figure and the lower figure? Chairman Hair said, well, if the lower figure —, if the lower figure covers costs, why not just do it for the lower figure?

Chairman Hair recognized Mr. Newton. Mr. Newton said, the lower figure really does not cover the costs. Chairman Hair asked, well, what figure would cover the costs, and then I think that ought to be the number? Mr. Newton said, the \$1,000-plus figure is what it —, covers the costs.

County Attorney Hart asked, could staff review those two figures and come back —? Chairman Hair said, I think we need to do that, too. Let's just make sure we've got a right number. I think we need to maybe table this until the next meeting. Go ahead, Commissioner Murray, first before we do.

Commissioner Murray said, you know, we're having problems right now of getting single private development property owners for a fence that's in question to go before the Zoning Board of Appeals. If we raise it from \$420 back to \$1,000, and we were \$1,180 before, we've got some serious problems. We bid as well do away with the Zoning Board of Appeals.

Commissioner Rayno said, motion to table. Commissioner McMasters said, second. Chairman Hair said, motion to table, that's not debatable. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present.]

ACTION OF THE BOARD:

1. Commissioner Odell moved to take this item off the table and place it before the Commissioners for consideration. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rayno and Kicklighter were not present.]
2. Commissioner Rayno moved to table to the next meeting the issue of the Zoning Board of Appeals fee schedule to provide staff time to review the same and come back with a figure to charge for all appeals taking into consideration the costs associated with the appeal. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell 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. SPECIAL PRESENTATION ON STATUS OF ROADS AND DRAINAGE.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, yes, sir. I'll introduce Mr. Bungard. This is something obviously of great importance to y'all, and we can gauge this in duration based on your requirements, but –.

Chairman Hair said, why don't we just go through it and if individual Commissioners have questions, we'll stop him; otherwise, we'll let him go through the presentation. County Manager Abolt said, thank you very much. Chairman Hair asked, is that the way you want to proceed?

Commissioner Odell asked, how long does All [Bungard] think it will be? Chairman Hair asked, how long does this take? County Manager Abolt said, we can expand or contract. Commissioner Odell said, I think eight minutes is perfect. Chairman Hair asked, can you go three? Why don't we do this, why don't we try the quick version and then if –, if you have questions.

County Engineer Bungard said, please just interrupt. I'll go through it. This is an update on the briefing that you saw back in January. New info. There's three parts: roads, drainage and the third part is Russ [Abolt] has asked me to explain to you how we're revisiting the estimating process for the next round of SPLOST. Is that better? Okay, and if that is okay, fine. If not, we can hit a light with your permission, trial and error. Let me start. Okay, we've reduced, anticipating some of this, I've reduced all the sequencing to zero seconds between the time the photographs come in. I'm going to use the same base map and to save time I will use my other pointer because I tend to get challenged on that one. But the –, okay, there it is. I will generally talk on this. All the projects in green are those that have been completed, those that are in amber are those that are under construction, those that are in red are in some stage of pre-construction. We have 31 completed project, 19 in pre-construction and 6 under construction, and this includes all the SPLOST projects since 1985.

We recently had the ribbon cutting at the interchange of State Route 21 out there in Port Wentworth. We're doing a little cleaning up there, but it's working well. We're going to put up a warning sign on the bridge. We find that some of the 18-wheelers coming over the top here in this curve are having to screech a bit to come to the yield sign, so we'll clean that up, fix it up.

Jimmy DeLoach Parkway, Phase 2. Since I sent the road report to y'all, I learned yesterday that the Ecology Report was approved by GDOT yesterday and, hopefully, it will go on Monday to the Federal Highway with what we call a FONSI, Finding of No Significant Impact, and when Federal Highway signs off on that, that will be a final EA. It's only been through many iterations. If you look at the road report, you'll see there's a history of going over these things over

and over, you know, with the department, but I'm hoping to have that and then we can finish the design and start the right-of-way acquisition.

Pooler Parkway, Phase 2. The part between Quacco Road and I-16 has been open to traffic for some time, but the part —, I learned this morning —, from Pine Barren Road up to U.S. 80, they're working on the bridge, and I was wondering when I was out there last week why no work's being done on the road. I was told this morning that, despite the soil testing in the borrow pit —, and this is highly unusual —, they even surfaced the northbound lanes, that somehow the PH of the soil broke down all of the soil cement, and they're going to have to take off all the asphalt and the base and replace it with aggregate base. So that contract in your report says October, 2002 —, I knew we wouldn't make that —, now it's going to be April or May of next year. GDOT will pick up the tab for that. Do you have a question, sir? Commissioner McMasters asked, we picked up the tab? County Engineer Bungard said, GDOT. Commissioner McMasters said, GDOT, okay.

County Engineer Bungard said, this I've grouped together. There's a series of projects up and down U.S. 17, Ogeechee Road, up to here. This part between State Route 204 and Dean Forest is under construction, going very well. I do expect to see it done by the end of this calendar year, and that also affects one of our drainage projects that I've been briefing Commissioner Kicklighter on, and this project here from 204 down to Bryan County, which was on again, off again, they —, I busted my chops for a while to get it certified in June of 2001, and because of funding problems, it was delayed one month, six months, five years. I talked to Commissioner Coleman, and I am told now that that is going to be let for bid in October of this year subject to a continuing resolution by the Federal Government, but I'm looking forward to getting that project under way. And then from Interstate 516 to Victory Drive the department is doing an Environmental Assessment. We're working with the City on a few issues around Springfield Drive and Springfield Canal and Victory Drive, and we've done some early acquisitions in there. We have one more to go on that.

The interchange of State Route 204/Veterans Parkway, going extremely well. That's the latest photo. I took that about two weeks ago. Guard rails are up, all but two lights are up. The scheduled completion date is December. Your report says January. I put that because I had a report there was going to be a little time extension, but I have heard everything from early completions of October, November and December before Christmas, but it's going quite well.

Chairman Hair asked, Al [Bungard], wasn't the initial completion date of that November? County Engineer Bungard said, no, sir. I think it's always been December of 2002 for the roadway. Chairman Hair asked, how about the overpass? County Engineer Bungard said, yeah, the overpass. The mitigation area that had one additional year, they did it first —. Chairman Hair said, right. County Engineer Bungard said, which was, I thought, a smart thing to do, but they're laying asphalt now and —. Do you have a question, sir? Commissioner Rayno said, no, I'm just listening. County Engineer Bungard said, I wish all projects went as well as this one.

Widening Stephenson Avenue. It's been under construction for a couple, I guess, a month and a half now, and the work that's being done right now, the drainage —, they replaced a sewer line on part of Jackson Woods. They're getting ready to go over and do the storm drain work on the other side of the road. Clearing's been done on the main road, and that's, I think, going along pretty well right now.

Widening Montgomery Cross Road/Middleground Road. The perimeter road project we relocated onto Hunter Army Airfield. We're going through punch lists. I've been a bit dismayed by the progress of the consultant —, excuse me, the contractor. We're going through some punch list items there, and I've asked GDOT's help to fire him up and get them completed. And the widening of Middleground and Montgomery Cross Road down, we've acquired since I wrote that, I think, a few more parcels, about 25 out of 122, and I'm looking to complete that right-of-way acquisition in about eight months.

Commissioner Odell asked, when will Truman Parkway be open from DeRenne to Montgomery? County Engineer Bungard said, DeRenne to Montgomery, we're looking —, I think that's the September 2003, but there's a caveat there. I'll get that —, okay. Yes, right now they're building this bridge. The contractor at one time suggested he might try to open a section between, I think it's Eisenhower and Montgomery, to relieve some of the traffic for the intersection improvements at Eisenhower. I don't think that's been worked out yet, but, as far as I know, that contract is going very well and there's no reason not to meet the completion date at this point. And I'm missing —, I think that's September of 2003, including the intersection improvements with Eisenhower.

Commissioner McMasters asked, Mr. Bungard? County Engineer Bungard said, yes, sir. Commissioner McMasters asked, are you aware of an emerging opposition from the Sandfly neighborhood to the off ramps? County Engineer Bungard said, yes. Their —, I received a copy of a flyer that was mailed, I think it's by four citizens, to a number of people and to David McCallum, who is at the Federal Highway Administration. We had a conference call last week with the Federal Highway. Our consultant is writing an evaluation of that —, he's actually writing the response with Federal Highway to send back to those citizens about those —, about that project. Commissioner McMasters said, it's part of District Three and am I correct in assuming that any correspondence that you may generate or receive will be funneled through the County Manager and over to me for the district? County Engineer Bungard said, absolutely. Commissioner McMasters said, okay, thank you. Commissioner Rayno said, and also one, too. County Engineer Bungard said, pardon me. Commissioner Rayno said, it's in my district as well. County Manager Abolt said, we'll send it to the entire Board. County Engineer Bungard said, the entire Board will —.

Chairman Hair asked, Commissioner Kicklighter, did you have a question? Commissioner Kicklighter said, yes, sir. The part that the people are having a problem with, how long has that been in the plans? County Engineer Bungard said, well, that whole thing was evaluated in a EIS back in 1998-99. In fact, one of the people, I believe, on the memo actually endorsed the project at the time. All of that was put out forth. There were public meetings, there were public hearings, all the written comments were considered, and none of that was an issue when the EIS was approved by the Federal Highway. Commissioner Kicklighter said, okay, sir. So basically the public was notified way back when where the ramps would be and then at the last minute when this thing's actually about to happen, we're getting opposition. County Engineer Bungard said, there is nothing new on this since 1999. Commissioner Kicklighter said, thank you.

Chairman Hair recognized Commissioner Murray. Commissioner Murray said, there were public meetings throughout this whole process, when the alignment was being drawn, the design of the road and everything else. The opposition came up when the problems came up with the Target site. That's when they started coming back and wanting to know if they could take those exits and entrances to Truman Parkway off and not utilize those, just take them off altogether, and that's where the opposition is coming from right now. I personally don't see how the Federal guidelines or the State will allow it to happen, but they may. I don't know.

Chairman Hair recognized Commissioner McMasters. Commissioner McMasters said, well, I just want to remind everyone that the Elbert Square CAT transfer site came up rather late in the game in terms of their -, the community feeling and historic concerns, so the fact that it comes up late is unfortunate, but it doesn't mean it's not valid. Commissioner Murray said, I know it doesn't mean it's not valid, but the construction has already started and I don't think it will be successful, but -. Commissioner McMasters said, you know -. Chairman Hair said, there's a difference in politically being successful. Commissioner Murray said, I'm not saying that you aren't right, and I certainly agree that it's something that needs to be looked at, but I just don't see it happening. Commissioner McMasters said, Buck [Bennett] that was here this morning. He's from the State, is that correct? Chairman Hair said, State DNR, yes. Commissioner McMasters said, okay, and Buck [Bennett] couldn't seem to tell us exactly how the first meetings of stakeholders, which were board of realtors, chamber of commerce and homebuilders associations, whether or not those meetings were adequately advertised and attended by the public. So just because the Federal Government or the State has an ultimate veto over the thing doesn't make citizens much more pleased about the ultimate outcome, and I think that's an important consideration. Commissioner Murray said, well, I understand that. I think that the other thing that's different with this and the CAT transfer center is the construction has not started on that. This construction is well on the way with this and those off ramp have already started being constructed, too, so I think that's where you have the difficulty of stopping it at this point.

Chairman Hair said, continue, Mr. Bungard.

County Engineer Bungard said, Skidaway. I think we're on our seventh or sixth review of the draft Environmental Assessment there. The last iteration went over on the 5th. I am told this time that the comments will come back with minor editorial comments. I'm not holding my breath because this has been somewhat plagued with issues by the GDOT staff, but hopefully I'll report some good news on that. As soon as we get that signed the process is I can coordinate with GDOT and schedule the public hearings.

Similar news on White Bluff/Coffee Bluff. That is also back to GDOT for review. They had us rewrite the needs and purpose statement and do some other up to date stuff on safety and traffic in there. That's also in GDOT hands. Every document we have now is in the hands of the department or the Federal Highway. Then we're also working on -, this is the third sales tax. Three of those are under design. The East/West Corridor is under study and we'll hopefully put out the RFP within 30 to 60 days with the Bay Street Widening. That was the one that we bid once before and decided not to award, and we will resolicit bids on that. Then in preparation for the MPC and CUTS are working on the long range plan, and I only show this to make the point, this becomes the basis for my suggestions and proposals on what ought to go in the next sales tax; that is, whatever is in the CUTS plan now. I didn't think up any projects. That's the end of the road part.

County Engineer Bungard said, we lost our Drainage Engineer last April. I have Ms. Yousuf still here to bail me out where I mess up. The computer was working fine last night. I hope there's not too many surprises. Parveez [Yousuf] is doing a wonderful job on the drainage. This is the same format. This is a new slide. One of the things we've done is, continuing with our GIS, we are continuing to refine and re-delineate in detail every drainage basin in the County. You can see, if you -, you may or may not remember the one that was up here about five years ago, were sort of general. Now are these things are getting refined and worked with the City of Savannah for theirs in here. You can see how these are kind of approximate. That's going to be, you know, part of that process to refine that. That's the PDP we're following. These are the drainage projects. The same color scheme. It's hard to see all the orange dots down -, excuse me, the green dots, all the smaller projects done in here, and we'll give you some information here on these large red ones, like Pipemakers and Hardin. This is just a summary of all the projects and the arrows are those which I'll have a few photographs on in your various districts. You'll notice that since the last time, we're still moving across there about 19 some-odd projects out of about 80 in the plan so far.

Placentia Canal. We're rapping up the punch list on Phase 2 right now. We have a few more gates to put up on the maintenance road and I think we have a fence to put up on one property, and other than that, that's coming along quite well and, to my knowledge, is working well. You can see here is the flood control structure right here with the tidegates.

This is what the new canal looks like with the bridge, gravel maintenance road and [inaudible] formed up and down. This is the revetted area where the tree was –, is.

Wilmington Island Canal. We finished Phase 1, which gave us about an 80% solution on the outfall under the Wilmington Island Road. The gates have been somewhat problematic because of debris. We found everything –, we're getting some help from some property owners. The feedback is wonderful, but we rush out there, Public Works checks it routinely and everything from [inaudible], basketballs, large logs, you know, it doesn't take much to block a tidegate, but we're having a similar challenge with Fawcett Canal with much less debris, and we're working right now, we have a force main conflict along the Wilmington Island Canal. That used to be a County facility with the sewage flowing in this direction. When it was turned to the City, it now flows the opposite direction. It's also going to interfere with our canal, so we're going to have to relocate the force main. Once they get that resolved –.

Chairman Hair asked, Commissioner Murray, do you have a question? Commissioner Murray said, yes. This is the second phase, right? County Engineer Bungard said, right. Commissioner Murray said, all right. How long before we'll see construction and maintenance on that? County Engineer Bungard said, well, we have to start acquiring the right-of-way. I should have right-of-way plans for that in about a month, so it takes us –, we have about 30, 40 parcels. I'm saying it will take at least a year. Commissioner Murray asked, has the design already been done on it? County Engineer Bungard said, we have a pretty good preliminary design. We're finalizing the construction drawings now with the right-of-way cross sections. Some of the citizens at one –, I think it was our second meeting, very upstream said, we are not having a real big flooding problem up there. The problem was more so behind that old sewage treatment plant, so we reduced the cross section to minimize the impact, and then if we have to go back and do a Phase 3, we will, but right now that's what I've decided to do is to break that up. Commissioner Murray asked, so about a year before they start? County Engineer Bungard said, that's really a big slag now, but I had the consultant in last week and he says he can give me some [inaudible] plans in about a month and it's a matter of how fast Mr. Gordon can acquire the rights-of-way.

Westlake/Springfield Canal. We've completed Phase 1, which is the outfall from the fence on Hunter Army Airfield down through the Base off out into the Forest River, and CSX promised us some help in here in trying to figure out how to put the new pipes underneath the rails, and I have to follow up on that. Since Steve left, we haven't had any feedback. They're being somewhat difficult to work with on this.

Commissioner Odell asked, Phase 2 on Westlake should start approximately when? County Engineer Bungard said, I haven't even tried to put a target date on that because of the problems with CSX. Commissioner Odell asked, funding has already been allocated? County Engineer Bungard said, funding is not –, we have money set aside for this one based on Steve's projections from some time ago. The problem is CSX.

Fawcett Canal. We've finished up Phase 1. We're proceeding with the design of Phase 2, and this is the retention pond that was built right in here and this is an example of one of the smaller canals within there, and Phase 2 will take us up into this area along the railroad tracks and along White Hawthorn, Commissioner Gellatly, in that area that routinely floods with not too much rain.

Ogeechee Farms. Smaller project on the Westside. We're working in there. You can see it's a very rural area, not much in the way of drainage, and we're having to re-look the plans. They were done a long time ago. New information. Hopefully, we have that on the street in about six months.

Commissioner Odell asked, does it cross over in David's [Gellatly] and my district? Is that a –? County Engineer Bungard said, no, sir, I don't think so. I think that's entirely in Commissioner Gellatly's district.

County Engineer Bungard said, Atlantic Creosote. This project is in Port Wentworth to provide flooding relief in this area here and the water now goes out here through the Georgia Ports Authority and that project is complete.

Quacco Canal. This is the one that solicited the help of the Corps to save the County some money. There was an opportunity to get the Federal Government to pay for it by doing it as part of an Ecosystem Management Project, but in the meantime I've had concerns. I got also right here at U.S. 17, the crossing is undersized and GDOT incorporated the enlargement of that into the U.S. 17 Widening Project, so we saved some money there. And then we've been working on an issue, this canal goes through private property and there are obstructions here, and we've been working to get those removed, and they are now wide open and clear. Under capacity, but they are open, and so we check that routinely. And the Corps said they will come back to me with their study and recommendations some time in September or October.

Pipemakers Canal. It's been –, taken over a year, but as of yesterday I was told that the Georgia Ports Authority attorney and their engineer returned their counterproposal to us. It's in the mail to me for how to acquire those 17 acres of right-of-way for the outfall of the canal, Phase 1, and the potential for a future pump station. Hopefully, I'll have that resolved within a month, and then we can go ahead and get that on the street to take it from the tidegates up to the first crossing.

Commissioner Kicklighter asked, may I stop you there? I want to ask Dennis Baxter. We've got Garden City, Pooler and Port Wentworth back there. Do y'all have any questions on Pipemakers? Okay. County Engineer Bungard said, we have finished acquiring the rest of the right-of-way for that.

County Engineer Bungard said, Hardin Canal. The biggest challenge here has been the Environmental Assessment has been problematic. The USEPA, Fish and Wildlife and National Marine Fisheries all wanted --, recommended denial of the permit. As we've written, all of the --, we've addressed every issue and I'm told that the Corps will issue a finding that all of their objections have no merit and we will have our permit before too long. Their only option then is to raise it up to Washington, and that is not done very often so I don't know what's going to come of that. Then we can get on with those improvements.

Port Industrial Canal. We have the permit for this. This is to improve. Design is complete --, Parveez [Yousuf]? Design is complete. To increase this will go under by Strachan Shipping, improve the crossing there, go under State Route 307, the railroad crossing, and take it out to Pipemakers Canal. This will be a big improvement for that industrial park out there by 307 in Garden City.

Conaway Canal. This project, y'all approved a change order --, no. It's on the --, today? It's on your agenda today to add some part of the project of this area in here for Bloomingdale. They met with us. We had already done some of the hydraulic analysis anyway, and we'll incorporate that work for them into the improvements with Conaway Canal. Once we get that done, we can finalize the right-of-way plan and start acquiring the property there. Hopefully, have that on the street within about a year.

Now I'd like to talk a little bit about what Russ [Abolt] asked me to go over on the estimating. One of my profs in grad school at Georgia Tech said if estimating were an exact science, we wouldn't need the competitive bidding process. It's sometimes more of an art than it is a science, but I think we can do better than Ouija boards and some of the methods that have been used in the past. Not to rain on the parade of my predecessors, but we have a tool out there in the GIS, and the reason I've structured it this way is that these are the ways that our local government project agreements are broken out with the department, so I need to know what are the construction costs and utility relocation and right-of-way so that we can figure out what we want to pay for maybe and how to go about that. So --, yes, sir.

Commissioner Murray said, just so you'll understand, we didn't authorize the expenditure for Ouija boards. County Engineer Bungard said, roger. Commissioner Murray said, okay.

County Engineer Bungard said, we're going to apply, use GIS. To my knowledge, it's never been done this way before, but I thought it was worth a try and it starts with using our base map with all the roads and figuring out where project site is. Sometimes we don't know. In a case like Truman Parkway where you had 22 alternatives, this process would not have worked except I'd have to run the scenario for each of the alternatives, the most likely scenario. Then what we do is we pick the alignment with that to determine construction costs. The computer will tell us where the center line --, based on the center line we choose and the alignment, what the length is, I'm using GDOT cost factors. They have published, based on experience, a four-lane road with a 40-foot wide medium costs so many dollars per mile or foot to make, and we can actually compute that construction cost. Then the little bit harder part is to go through and to identify structural costs. I don't have a model for that, but, you know, if I know there's going to be a railroad bridge at a certain point, I can get some pretty good comparisons because we've got historical records now on what do I think a railroad bridge will cost, you know, that's so long or interchange. It might be order of [inaudible] estimating, close as a half a million dollars, but I think we can do a pretty good job at that. That gives the total construction cost. Right now GDOT's picking that up, but that's what drives normally how you estimate engineering costs.

Then for right-of-way I take the same information, I go back and say, okay, the project called, or we think it's going to call for a four-lane so-and-so road, and then based on that we know what the right-of-way should be, given a few feet. The computer will take that length, it will compute the area, and, based on the data base, it will tell me what the parcels are. In fact, it's based on the current Tax Assessor information. With that, I'm going to try to put a cost factor based on commercial versus residential, and that will give me the right-of-way acquisition cost based on number of parcels. I can go on a contract and say \$4,000 a parcel times 42 parcels, this amount of money, and I can program or estimate how much that part of the project will cost.

Wetlands impact, we'll take the national wetlands inventory, overlay that, and we can compute how many acres of wetlands are impacted based on that. There still has to be delineations, but it will give me an idea, is there an impact, yes or no, and then go with the current cost factors about mitigation, credits, whatever, and come up with a dollar cost for that.

Utilities is the harder one because we don't have the data base, like in my former life, about where all the water, sewer, gas lines are throughout the County. Some of that's private. But we can use the same data base and in this case I'm using Jimmy DeLoach Parkway, you know, I would get with the Cities of Pooler and Bloomingdale, find out where are the potential conflicts and figure out, you know, what a typical relocation cost might be. We have some pretty good historical data on that.

This is where it gets a little softer in how do you estimate engineering costs. You know, some of my friends will say if it's a road project, 10% of the projected constructed costs; if it's structural, you know, it might be 25%, but we'll put

some sort of cost factor in that, and we'll come up with a number, and then sort of do what I call Sandy-check, we'll go back and compare. We have 15 years or a little more now of construction experience, I'll say does this make sense. You know, is it –, do we think it's a reasonable estimate of where we are? Again, not a science, but I think we can do better than we've done in the past, and that concludes my briefing.

Vice Chairman Thomas recognized County Manager Abolt.

County Manager Abolt said, Dr. Thomas, gentlemen. I had no idea, and I certainly want to take advantage and appreciate those assembled in the audience that represent other municipalities and the opportunity for them to be here at this same time causes me to extend, with your permission, to them the talents, the quality of work you just saw in Mr. Bungard's ability to put together not just projects, but project estimates, [inaudible] construction and in effect development of needed areas of the County. We extend this type of service to every municipality in the County. We feel we have never been better prepared to go forward, if you choose, on SPLOST projects, and that is truly a community effort. Mr. Bungard, in my estimation, has done an outstanding job, and we have a talent and talents we want to share with all of our key governments in Chatham County.

Vice Chairman Thomas said, thank you, Mr. Abolt. Thank you, Mr. Bungard for that excellent report.

ACTION OF THE BOARD:

County Engineer Bungard gave a special presentation on the status of the current roads and drainage projects of the County, which was received as information.

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RECOGNITION OF GUESTS

Vice Chairman Thomas said, I'd like acknowledge the Honorable Mayor from the City of Savannah, Floyd Adams, along with the City Manager Michael Brown, the Administrator Tom Gates from Garden City, City Administrator from Pooler, Dennis Baxter, and the Honorable Mayor from Port Wentworth, Tim Holland, and if there are others –. Mayor Adams said, Thunderbolt. Vice Chairman Thomas said, I mean, Holbrook. Is Thunderbolt here, too? Okay. Councilman, okay, from Thunderbolt. We'd like to acknowledge them in our presence at this time.

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ORDER OF BUSINESS

County Attorney Hart said, Madam Chairman, this matter –, if this is on LOST negotiations, was originally on your agenda earlier today. It was removed. Under your Board rules, either the Chairman can add it to the agenda or it will require a vote of five Commissioners, a majority of the Commission, to add this matter to the agenda if that's what the discussion –.

Vice Chairman Thomas said, I was just acknowledging them in the audience. It's left up to the Commission as to what they want to do. I was just giving them the courtesy of being in the audience.

Commissioner Murray said, I understand that and I see the Mayor's up here to speak and, quite frankly, they were notified this morning before our meeting started that Billy [Hair] was going to pull that, the Chairman was pulling that from the agenda today, and it would not be discussed, and our decision was sent to them on the proposal they gave us. So at that point I would not support adding this to the agenda. This is not the place for it at this time.

Mayor Floyd Adams asked, Madam Chairman, may I speak? I wasn't going to –, it's true that Commissioner –, Chairman Hair called my office, but I was unable to get in touch with all the other mayors of municipalities because of the shortness of the time, plus when he called I was not in my office, but what I'm here, I just wanted to –, for him to mention, as he did, publicly to the others why we're not –, will be considered today in reference to the fact that we were originally called up here, and part of our negotiations was to meet and discuss it after he discussed it with the County Commission, and that's why we're here, but I also wanted to accept the offer, the gracious offer by County Manager Abolt to participate in some of his information programs. That's why I got up, but since he opened it up, I just let him go. But the point is we are here, we came here to discuss in earnest our position on the LOST and see whether we could get a counter proposal, but if the County Commission feels that they don't want to discuss it, then it's okay with us. We'll deal with it in negotiations, but that's why we're here because we were asked to be here, but –, and I was unable to get the rest of my colleagues notification in time, so since they were going to be here, that's why I'm here. Okay?

Vice Chairman Thomas said, well, I understand that -. Mayor Adams said, but if the County Commission feels necessary to put it on the agenda, we are here to discuss it. Vice Chairman Thomas said, it has been postponed and I would not want to take that privilege in the absence of the Chairman to do that unless the Board of Commissioners want to make some kind of acknowledgment here. Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I believe if they're here and they have something they want to say to us -. Mayor Adams said, well, actually, we were here to get an answer. We gave a proposal and we asked for a counter proposal to that. That's why we're here. Commissioner Kicklighter said, well, I believe we're letting our negotiators handle the answers back and forth, and I -. Commissioner Murray said, an answer's already been given. Commissioner Kicklighter said, okay. Mayor Adams said, so that's why we're here, we were asked to be here. Commissioner Kicklighter said, but I'm willing to let y'all speak and make the motion or whatever, I mean, but -. Mayor Adams said, well, we're here to actually get an answer because we were asked to be here today -. Vice Chairman Thomas said, but I think -. Mayor Adams said, to get an answer at our -, to our proposal, and basically we're here to get that and to respond, if necessary, to your proposal, but since it's been cancelled, we'll just let you know we are here in earnest. We're willing to pursue the negotiations that are best for everyone in this County. Thank you very much.

Vice Chairman Thomas said, okay, and thank you very much. Mayor Adams said, thank you. Vice Chairman Thomas said, thank you all. You're not going to discuss anything are you?

Mr. John McKenna said, no, I just wanted to make a point, if I may. If I'm out of order, why, you can throw me out -.

Commissioner Kicklighter said, let's make this thing legal here. I make a motion to at least hear them. Commissioner Murray said, I think they are out of order if they're discussing the LOST up here right now because that was taken off of the agenda. It's not part of it. Vice Chairman Thomas said, it's not part of it. Mr. McKenna said, I was just trying to understand a procedure of where we are in the process, that's all. County Attorney Hart said, procedurally where we -.

Vice Chairman Thomas said, let me just say this. I think we cannot do that at this time. I think it has been already discussed as to the procedure and what has taken place, and we would appreciate it, you know, if you would just take that and we'll just try to get back to it.

Commissioner Odell said, I'll make a motion that we amend our agenda and add to the agenda the -, not SPLOST [sic] negotiations, but comments from any of the municipal representatives, as long as they keep it short. Commissioner Kicklighter said, second. Commissioner Odell said, and the reason I do that is that they're here. They're here and they understand it's been taken off of the agenda, but I think it's just a matter of politeness that we allow them -.

Vice Chairman Thomas said, there is a, I mean, a motion on the floor -. Commissioner Kicklighter said, and I seconded it. Vice Chairman Thomas said, all in favor of the motion to allow those representatives here just to make a statement, please vote. Opposes? Vice Chairman Thomas and Commissioners Rayno, Rivers, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners McMasters and Murray voted in opposition. The motion carried by a vote of six to two. [NOTE: Chairman Hair was not present.]

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters asked, could we fix a time for these comments? Vice Chairman Thomas said, I was about the say -, I'm going to -, I'd like to say that if we just take at least two minutes please to say what you have to say. Mr. McKenna said, I won't take that long. Vice Chairman Thomas said, okay? Thank you.

[NOTE: A motion was made and approve to add to the agenda statements regarding the LOST negotiations, and the same was added at this point on the agenda.]

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STATEMENTS REGARDING LOST NEGOTIATIONS

Mr. John McKenna said, I do understand the time frame, so I -, that you folks are under and I do appreciate that and I thank you for the opportunity. Just a comment to give to you is -, maybe so that everyone understands, the procedures as I see it now they've been two offers by the municipalities to negotiation on the LOST and we've move on each offer an improvement for trying to settle this. The last offer was given -, what was it Wednesday we met? Monday? I forget. Earlier this week, whenever it was, and I'm assuming that that particular offer has -, as I understand it, has been rejected. If that's the case, I'm just trying to find out what's the procedure to move on, and I would -, if it

was rejected, then I would look forward to a counter proposal by the County Commissioners to the municipalities. Thank you very much.

Vice Chairman Thomas said, if you wish to speak, would you please come up to the well quickly. If not –, okay. No further comments? Thank you very much. I appreciate it.

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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 asked, do we have anything that you would like to pull at this time? Thank you very much. Commissioner Murray said, Item 3. Commissioner Rayno said, Madam Chair, 7-D. Vice Chairman Thomas said, 7-D. Commissioner Murray asked, what about F? Commissioner Rayno said, in fact, 7 –. Commissioner Odell said, F. Commissioner Rayno said, F, yes. Vice Chairman Thomas said, D and F. Commissioner Odell said, yes, ma'am. Commissioner Kicklighter said, and G. Vice Chairman Thomas said, oh, and G. Commissioner Murray said, and Item 3. Vice Chairman Thomas said, and Item 3. Okay, may I have a motion on the rest of the –.

Commissioner Murray said, so moved. Commissioner Odell said, second. Vice Chairman Thomas said, all in favor. Any opposes? 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 Action Calendar in its entirety with the exception of Items 3, 7-D, 7-F and 7-G. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were 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 AUGUST 9, 2002, AS MAILED.

ACTION OF THE BOARD:

Commissioner Murray moved to approve the minutes of the regular meeting on August 9, 2002, as mailed. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD AUGUST 1 THROUGH AUGUST 14, 2002.

ACTION OF THE BOARD:

Commissioner Murray moved that the Finance Director is authorized to pay claims for the period August 1 through August 14, 2002, in the amount of \$1,624,968. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]

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3. REQUEST BOARD APPROVE A REQUEST FROM WILLIAM M. FOSTER, FOSTER DEVELOPMENT COMPANY, TO DECLARE AS SURPLUS A PORTION OF THE 60 FOOT WIDE RIGHT-OF-WAY OF WILMINGTON ISLAND PUBLIC ROAD BETWEEN THE

**WILMINGTON PLANTATION SITE AND THE SAIL HARBOR CARSON PROPERTY AND TO QUITCLAIM THE PROPERTY TO THEM.
[DISTRICT 4.]**

Commissioner Murray said, I'm not opposed to doing this and I'll make a motion to approve it, but I think something needs to be clarified. That is not Sail Harbor property. That belongs to the Carson family, not Sail Harbor. Vice Chairman Thomas said, Carson. Commissioner Murray said, and that needs to be clarified before we approve something like that. And I would hope that when we have these type things come up, especially with all the controversy in that area, that we would have the right description when we do something like this. With that change, I would move to approve it. Commissioner Kicklighter said, second.

Vice Chairman Thomas said, all in favor of the motion. Any opposes? The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, hearing none, the motion is carried. Thank you.

ACTION OF THE BOARD:

Commissioner Murray moved to approve a request from William M. Foster, Foster Development Company, to declare as surplus a portion of the 60-foot wide right-of-way of Wilmington Island Public Road between the Wilmington Plantation site and the Carson property and to quitclaim the property to them. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]

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4. REQUEST BOARD APPROVAL OF INTERGOVERNMENTAL AGREEMENT WITH STATE FOR UNIFORM SYSTEM OF DIRECT ELECTRONIC VOTING EQUIPMENT. (NOTE: ITEM POSTPONED AT THE REQUEST OF MR. STILLWELL.)

ACTION OF THE BOARD:

This item was postponed at the request of Mr. Brooks Stillwell.

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**5. REQUEST FOR NEW BEER, WINE AND LIQUOR RETAIL PACKAGE LICENSE FOR 2002. PETITIONER: GANSHYAM D. PATEL, D/B/A 204 DISCOUNT BEVERAGE, LOCATED AT 2505 FORT ARGYLE ROAD.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Murray moved to approve the petition of Ganshyam D. Patel, d/b/a 204 Discount Beverage, located at 2505 Fort Argyle Road, for a new beer, wine and liquor retail package license for 2002. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]

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**6. REQUEST BOARD DECLARE AS SURPLUS AND OFFER FOR SALE A SUBSTANDARD SIZED LOT ON TUSKEGEE STREET.
[DISTRICT 5.]**

ACTION OF THE BOARD:

Commissioner Murray moved to approve the request to declare as surplus and offer for sale a substandard sized lot at 0 Tuskegee Street (PIN 2-0706-0-012) described as Lot 45, Lottery Hall. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]

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7. 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. Change Order No. 1 to the contract for the design for engineering services for the Conaway Canal for additional services	SPLOST	B. P. Barber and Associates, Inc.	\$40,700	SPLOST (1998-2003) - Drainage - Conaway Canal
B. Change Order No. 1 to the contract to construct the Technology and Engineering Campus roads for the relocation of sanitary sewer and water lines and tie into the new facilities	Engineering	Triangle Construction Company	\$8,763.40	To be reimbursed by the City of Savannah
C. Deductive Change Order No. 1 to the contract for the construction of the Atlantic Creosote Canal project for final quantity adjustments	SPLOST	R. B. Baker Construction	(\$34,775)	No funding required
D. Summary Change Order No. 6 to the contract for the Placentia Canal project, Phase II	SPLOST	ARCO, Inc.	\$36,550.10	SPLOST (1998-2003) - Drainage - Placentia Canal
E. Second and final renewal to annual contract to provide an assessment and intervention program for minor sex offenders as referred by Juvenile Court	Juvenile Court	Family Reconstruction (SOAP)	\$17,000	Children Youth Coordinating Council Grant
F. Contract for HVAC improvements for the Gateway Mental Health Center	Gateway	Erickson Associates	\$140,000	•Land Bank/Property - \$70,000 •CIP - Health Department - \$70,000
G. Project close-out and confirmation of Change Order No. 2 for Visitor's Center/City Hall Ferry Dock	Trade Center	Myrick Marine	\$31,729	SPLOST (1993-1998) - Trade Center - Ferry Docks

As to Items 7-A, 7-B, 7-C and 7-E:

Commissioner Murray moved to approve Items 7-A, 7-B, 7-C and 7-E. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

As to Item 7-D:

Summary Change Order No. 6 to the contract for the Placentia Canal project, Phase II; SPLOST; ARCO, Inc.; \$36,550.10; SPLOST (1998-2003) - Drainage - Placentia Canal.

Commissioner Rayno said, this is the sixth change order and it has to do with line item overruns, and my question was concerning who is in charge of watching the spending so that there wouldn't be any overruns?

County Engineer Bungard said, this is one of those contracts where we have line items, so you have a line item for gravel and you have a line item for whatever work needs to be done, and those are estimates done by our consultant before it starts, and once you get on the job you sometimes have to do some site adaptations. You might run over a little bit here and a little bit there, and so at the end of every job we do an audit and say, okay, how do all those summaries come out. You'll notice, for instance, up there though on an earlier one we changed a material from crushed to [inaudible] and saved some money. It changed the quantity, but in this case here the larger part of that summary change order is we had to go back and do some additional work, some slopes where we had riprap were not holding up and they weren't stable enough, so we changed out the line items already there, we removed the riprap requirement and put in some fabricform on the sides, and that was a little more money, and then -, what was the other one? Oh, yeah, because during the course of all the construction upstream there was some siltation downstream. We had him go back while he was on the job and do some additional cleaning of the ditch, and there was already a line item. We did a lump sum for that little piece right there, but I assure you every line item here was personally checked, estimate verified by Mr. Bacho at that time, you know, and our consultants on the job.

Commissioner Rayno asked, so you're the one in charge of checking the overruns or underruns? County Engineer Bungard said, yes. We audit the end of every job. Commissioner Rayno said, okay, motion to approve. Commissioner Murray 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 carries. Thank you.

As to Item 7-F:

Contract for HVAC improvements for the Gateway Mental Health Center; Gateway; Erickson Associates; \$140,000; • Land Bank/Property - \$70,000, • CIP - Health Department - \$70,000.

Commissioner Odell said, I asked that that be pulled. Commissioner Murray said, I think several of us did. Commissioner Odell said, and my question is for what building are we doing the air condition improvements?

Mr. Pat Monahan said, several years ago the County purchased a number of buildings for the Health Department and Gateway's predecessor, which was Tidelands, issued bonds and then entered into agreements for the lease of those buildings at a rent amount to cover principal and interest plus 10% for maintenance. This building is in Garden City at 17 Minis Avenue. Commissioner Odell said, okay, and we --, the County owns the building? Mr. Monahan said, the County owns the building fee simple, yes, sir. Commissioner Odell asked, and Gateway pays rent on the building? Mr. Monahan said, pays rent equal to the principal and interest plus the maintenance fee. Commissioner Odell said, okay. And we've concluded that this solves the problem? Mr. Monahan said, this solves two problems we have. One of the problems, some of the employees complained of the cleanliness of the air because they employ more employees in that building than it was previously designed for, so we have, you know, for X-amount of space there are usually 25 employees that Tidelands put in there. Gateway put in 35 employees and we were not getting the fresh air exchange and they were complaining of headaches. In addition to that, the air conditioning needed to be replaced, so the minimum would be just resolve the environmental quality of the air, but since we're in there we're going to go ahead and replace the air conditioning, too. Commissioner Odell said, that's a substantial amount. Mr. Monahan said, no, sir. Commissioner Odell said, the bids were not more than \$1,000 apart. Mr. Monahan said, we --, our engineer originally estimated --, our consulting engineering originally estimated this project at \$90,000. We actually went back out twice because we just couldn't get good numbers, but because of the closeness of the two bids, we feel as though they're the best we're going to get. Commissioner Odell said, in that our consultant engineer was about \$50,000 off --. Mr. Monahan said, off the original estimate. Commissioner Odell asked, did we reduce what we paid him? Mr. Monahan said, no, sir.

Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, question. Is this actually in Garden City? Mr. Monahan said, yes, sir. Commissioner Kicklighter asked, what --. Mr. Monahan said, in Garden City, 17 Minis Avenue. It was previously the corporate headquarters for M. C. Anderson and we bought it at a sale.

Vice Chairman Thomas said, okay, Commissioner McMasters and then Commissioner Rayno and then Commissioner Murray.

Commissioner McMasters said, so that I understand this, this is a County building that we are leasing --. Mr. Monahan said, to another governmental agency. Commissioner McMasters said, okay, and is there a use and occupancy factor built into the lease? For instance, well, I've only been dealing with residential issues. Let me give you my example and then you can answer if it has some parody in a commercial sense. I lease a two-bedroom apartment and within the lease it says it can be occupied by X-number of adults and X-number of minors. What you're describing here is we have leased a building to a second party for their use and they have by their own choice packed the space and overcrowded it by their own choice. Is it incumbent upon us to accommodate that overcrowding, or is that a result of their own decision? Mr. Monahan said, okay, let me answer you now that I understand your question. No, that is not a restriction within the lease. On these buildings we charge them --, the County has --, for all intents and purposes the County has no money in this building. We didn't pay anything for the building other than to issue the bonds and, as I said, the principal and the interest is covered by the amount that we receive in rent. So the County has no dollars. We just happen to be the landlord. What happened, a number of years ago a previous Commission decided to help a number of the nonprofit governmental or quasi-governmental agencies and relocate in buildings closer to the clients they serve. In this instance, Tidelands wanted a major service center in West Chatham County that it previously did not have. So the County offered, yes, we'll go out and buy the building, we'll issue the bonds and we will charge you rent equal to the principal and interest. So we don't have any money in it, so to speak. In fact, this Commission recalls, and you asked the question, some of the buildings we've sold recently, the advantage to the County is we made a huge profit because we had no money in those buildings. Commissioner McMasters said, well, you say there's no money in it for the County, yet there's \$140,000 expenditure --. Mr. Monahan said, yes, sir, and that is actually covered by --. Commissioner McMasters said, that's money --. Mr. Monahan said, that's covered by the rent that they pay that we put into a maintenance and improvement account plus from the sale of other properties that the County just recently sold on --, recently sold. Commissioner McMasters said, but if you deplete from one account and expense that on another, it's a --, it's the reduction in revenue to the County. Mr. Monahan said, one of the accounts is actually a maintenance account that's for rent. The other account we set up is for when we sell properties and we need to make these types of improvements. Just so that it does not come from the general fund of the County. Commissioner McMasters said, all right. My only position here is if we lease a facility to someone, to some second or third party, and through their own choice they have exceeded the capacity of the air conditioning, unless it's specified in the agreement in advance of occupancy that we're going to be responsible for such a circumstance, I don't think we have any liability here. Mr. Monahan said, well, it does say in the lease agreement that we are responsible. They're only responsible for the minor maintenance issues, but for the larger capital issues, the County is responsible under --, in accordance with the lease agreement, so that we would be legally obligated if there's a problem with the air conditioning system to repair and replace it. Commissioner McMasters said, but by your own assertion, Pat [Monahan], if I understand you correctly, the

problem that we're facing with the air conditioning system is the result of an overcrowding of the space that was leased. Is that correct? Mr. Monahan said, two problems. One is the problem with the quality of the air due to the number of employees in the building, and we've got that certified by the Health Department, and, two, it's just to replace the air conditioning. Commissioner Odell said, age of the unit. Mr. Monahan said, the age of the unit, the condition of the unit. Commissioner McMasters said, well, if you wanted to ascribe some percentage of causality, what –, where would it fall? Mr. Monahan said, I don't think I'm qualified to do that. I don't know. Commissioner Odell said, 46% as to compared to 54 –. Commissioner McMasters said, oh, thank you, Harris [Odell]. Do we have –. Commissioner Rayno said, without a calculator, too. Commissioner Odell said, I gave him a guess.

Commissioner McMasters said, if you certified that this is unhealthy, do we have a –, do we have the authority under our health ordinances to void the lease? County Attorney Hart said, without looking at it, I don't know. Most leases have a covenant contained in them of quiet enjoyment to the tenant, which generally includes that if your Health Department comes in and says you've got to do something, then usually that falls on the landlord unless there's some other provision within that. And my understanding is you're saying the Health Department has said there's a circulation problem. Commissioner McMasters said, yes. The circulation problem is the result –. Mr. Monahan said, – of the number of employees who work in the building. Commissioner McMasters said, right, which we had no control. Right? Mr. Monahan said, yes, sir. Commissioner McMasters said, so I don't understand why we're responsible. It's very accommodating, don't get me wrong. It's very accommodating, it's very nice. Mr. Monahan said, yeah, and as Mr. Thompson just pointed out, it's not just the number of employees, but also the number of clients who come into the building as well. That's another factor. Commissioner McMasters asked, well, do you have some number of the ratio of the clients to employees? Mr. Monahan said, we could get that information for you. Commissioner McMasters asked, Harris [Odell], have you got number? Commissioner Odell said, I think it's six to one. Commissioner McMasters said, okay. You should get involved in the LOST negotiations. Commissioner Rayno said, or the lottery. Commissioner McMasters said, I've said –.

Commissioner Kicklighter said, based on Harris's [Odell] stats, I'll make a motion to approve this. Commissioner Rivers said, that's fraudulent information.

Commissioner Rayno asked, but it's basically the number of people breathing in the building is what's causing the problem? That's the services of CO₂? Mr. Monahan said, that's what it is. Commissioner Rayno asked, have they considered reducing the number of people in the building? Mr. Monahan said, they could reduce the number of employees, but reducing the number of clients would be a different issue. The only thing they could buy another or they could go rent another building. Commissioner Rayno asked, what's that word subrogation where you talk about the air and the capability, the initial contractor who put the air handling system in there, was it designed to handle for X-number of people in that building? Mr. Monahan said, well, as I mentioned, the original use of the building was as a corporate building, so I doubt as many employees worked in a corporate building than in a service building where –, especially in a clinical setting where a number of clients come in. So you're correct, it probably was not designed for that purpose. Commissioner Rayno asked, is there any liability on the initial purchaser who put in the A/C system? No? Okay.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, Pat [Monahan], in listening to the conversation you've had most of my questions have been answered, but don't most commercial buildings have restrictions on how many people are allowed to be in certain rooms or certain parts of the building, or anything else, as a capacity? Mr. Monahan said, I would need to defer that to Mr. Anderson. The only area that I know would be for fire safety. Commissioner Murray said, well, that's what I'm talking about because to me what it sounds like is that we've got a building that's too small for what we're using it for, but I don't know that because I don't know the size of the building. County Attorney Hart said, each commercial building in Chatham County is rated for a commercial fire rating. That fire rating is not –, is generally for an evacuation system in a fire or emergency system, and I don't know of too many commercial leases that limit the number of occupancy within the rental –, you know, commercially rentable square footage, with the exception of, you know, not to exceed the fire safety code prevention.

Commissioner Odell said, hold your breath. Commissioner Rayno said, that's right.

The Clerk said, excuse me, Commissioner Kicklighter made a motion. Did we have a second to that motion? Commissioner Odell said, yes. The Clerk said, thank you. Commissioner Odell said, any time.

Ms. Marianne Heimes said, my name is Marianne Heimes. I was in that particular building, actually on 9-11 of last year, and very early for a meeting, which was kind of interesting. It's a very crowded facility; however, the funding for mental health is so poor that that's why they have to put more people in there than probably they should, but that is not a very big building. That just seems like an awfully big expense for the air conditioner; however, I would say, you know, that given the care that these people get, you know, the most comfort we can give them, I think we should, but I would want to make sure that it is ample for fire evacuation because you're not dealing with just a corporation in a building where you're dealing with mental health and mental retardation, I think they have some mental retardation there also.

Commissioner Odell said, Marianne [Heimes], we had this building under Tideland and they simply took it over, and I think the problem is that there's such a growing need of clientele in that area, and you're absolutely correct, in boom

years we have cut mental health and cut mental retardation statewide, and so we've got a group, Gateway, who's utilizing these services without sufficient funds, basically. So it's cramped, but it is an essential service. I didn't think —, I remember the building now that you brought it to mind. \$140,000, I agree, and I rely upon Pat [Monahan]. It just seems like an awful lot of money for that building.

Ms. Heimes said, it's just not —. Commissioner Odell said, a big building.

Commissioner McMasters asked, how many square feet is it? Mr. Monahan said, I think just off the top of my head it's 3,800 square feet. The —, we swallowed hard on this one and we've been wrestling with it for, I don't know, Mr. Thompson and I, probably four to six months because we tried to look at some other options, but as the landlord we felt as though we were first obligated to provide them with a safe working environment and, second, it goes back to the question that Commissioner McMasters raised on the funding. We're actually using their money. They're paying us the rent and we're putting it into an account to do repairs on buildings that they're paying for.

Commissioner Odell said, I don't have a problem with our replacing the air conditioning unit. Having just replaced a unit which is for a building that's half that size that cost me like \$14,000, just —, there's a big difference between \$14,000 and \$140,000. I don't know why that difference is. That concerns me.

Mr. Monahan said, well, I'll have to let the technical expert explain that, Mr. Thompson. Vice Chairman Thomas said, okay —, oh, I'm sorry.

Mr. Fred Thompson said, Fred Thompson, Maintenance. The reason that this costs so much is that the amount of fresh air that needed to come in that building, when they have group meetings, which might be 20 or 30 people in on e room, existing air conditioning, plus the existing ducting system, will not supply enough fresh air. The problem was the CO₂ or rather O₂, CO₂ coming into the building. The carbon dioxide was so high people were getting headaches, going to sleep at their desks, et cetera. When we had the air quality test done in there, it came back that it was extremely high and the only way we could lower it was to bring in a massive amount of fresh air —. Commissioner Odell said, or do more venting instead. Mr. Thompson said, that —, venting wouldn't do it without the fresh air coming in because you had to overcome the cool air. We had to bring air in that was pretreated so that the existing air conditioning system, and we're using part of the existing air conditioning system, but the whole ducting system had to be changed out in there, and another cost factor that really made this high was monitors to monitor the quality of air within they have these large groups of people into the meeting rooms to make sure that it was within standards.

Commissioner Odell said, let me just follow. The money comes from an account that we set aside as part of the 10%? Mr. Monahan said, yes, sir. Commissioner Odell said, so it's not an issue of money? Mr. Monahan said, no, sir. Commissioner Odell said, it's based upon your review and Fred's [Thompson] review, and the fact that this is actually being used by our citizens in West Chatham, who really need the service, and because statewide we don't fund mental health and mental retardation the way we should. They're being cramped in that space and this is the most logical solution. Is that a fair summary? Mr. Monahan said, yes, sir. Commissioner Odell said, I still think we need to do it.

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

Commissioner McMasters said, thank you, ma'am. I don't won't to wear this subject out, but first and foremost —. Commissioner Odell said, yes, you do. Commissioner McMasters said, yeah, well, first and foremost, whether this is coming out of County funds, State funds, Federal funds, it's taxpayer's money, is it not? Mr. Monahan said, yes, sir. Commissioner McMasters said, okay. Is there anything in the existing lease that says that we would upgrade or maintain the hearing and air exchange in that building for the capacity of groups? Mr. Monahan said, no, I don't think the language is written that specifically. No, it's not. Commissioner McMasters said, okay, well, where do we draw the line? If they determine when they have these meetings if they don't have adequate parking, are we going to become responsible for securing additional parking? If the landscaping isn't pleasing aesthetically, are we going to have a landscape designer come in? I mean, this deal, unless we knew in advance, as the facilitator of the building to the group, that they were going to have these huge crowds and a projected over capacity, if we didn't have any advance knowledge of that, I don't think we have any responsibility or liability to accommodate them. I think it's their problem, and it wouldn't matter to me if it was in art class. The point is it's all taxpayer's money and this group has over-exceeded the capacity of this particular structure, and I don't see that we have a direct responsibility if we didn't have advance knowledge of this potential excessive use. Thank you.

Vice Chairman Thomas said, Commissioner Murray, Kicklighter and then [inaudible].

Commissioner Murray said, if this air condition unit is not replaced, would the Health Department come in and shut this building down based on the fact that they're having no? Mr. Monahan said, no, as Commissioner McMasters was talking, I was thinking of the other options and we do —, there was a lesser expensive option, but it would probably require us to do some replacing and then probably send this —, send Gateway a note on the occupancy of the building for both employees and clients, and probably what that would do is force Gateway to, one, assess their services in that area and take a look at another building, which means then the County's stuck with the building and then we have to find another governmental user for it, or Gateway limits some of its services in that area. Commissioner Murray said, I would —. Mr. Monahan said, but there is that possibility, yes, sir. Commissioner Murray said, I would assume that the high cost, and you put this out twice for bids, is that right? Mr. Monahan said, yes, sir. Commissioner Murray said, and

you've come back still with the same amount of money within a couple of thousand dollars of each bid, which to me sounds like it's pretty accurate. But I would assume that it's not based so much on the square footage of that building, but the amount of people and the capacity of that air that's got to be turned and exchanged in the building itself. Mr. Monahan said, as Mr. Thompson pointed out, as you upgrade the system, then you have to upgrade the duct work. Commissioner Murray said, and that gets quite expensive. I think the price sounds high, but I can't argue with that many times going out for bid with that many companies coming back in and being that close with it. And I also agree with you that if, in fact, we don't do something, that we'd have a building sitting out there that's no one's utilizing because they'd move in another facility, and based on the circumstances I will support a motion to approve this at this time, but I think we need to look at these things very careful from now on. It's something I don't think any of us intended when we first did it, but nevertheless we're caught with it now.

Vice Chairman Thomas recognized Commissioner Odell.

Commissioner Odell said, I just want to close it out. There is a big difference between the people who utilize this building and an art class. The people who utilize this building are people who have –, are either classified under the mental health/mental retardation and this is an essential service to them. The reason the building is overcrowded again is that we should have more locations. We don't. Those who live on that side of town, that's where they go. What do we pay per month –, what do they pay per month as far as rent? Mr. Monahan said, I believe it's \$8.00 a square foot, and that's the highest that they pay, and the other ones are –, it's only because of some other improvements that we put into that building that the County has raised the rent. But on the other ones they're paying anywhere between \$3.00 and \$4.00 a square foot. The reason why for that is, as I mentioned, because we're able to borrow –, back in those days we could borrow money cheaply, we don't pay property taxes and we have no profit motive. We only charge them our actual cost plus 10%. Commissioner Odell said, I think part of government role is to look out for those people who can't look out for themselves, and these mental health and mental retardation, because they do not have a major lobbyist group, are underfunded. I don't think we look at a cheaper option. We look at the option that has been recommended by staff, and this is not even in my district, but I know how mental health and mental retardation has generally been mistreated in this State.

Commissioner Rivers said, I call the question.

Vice Chairman Thomas said, okay. All in favor of the motion? Opposes? Vice Chairman Thomas and Commissioners Rayno, Rivers, Murray, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioner McMasters voted in opposition. The motion carried by a vote of seven to one. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, thank you. Commissioner Odell asked, you voted against it, John [McMasters]?

As to Item 7-G:

Project close-out and confirmation of Change Order No. 2 for Visitor's Center/City Hall Ferry Dock; Trade Center; Myrick Marine; \$31,729; SPLOST (1993-1998) - Trade Center - Ferry Docks.

Commissioner Kicklighter said, I just wanted to hear basically what this is. Mr. Monahan said, this –, you might recall that the Commission awarded this contract. We did one change order because during the progress, since we had an active permit, the Corps allowed us to amend that permit to add another 300 feet of recreational dock in partnership with the City of Savannah and the Waterfront Association, which are sharing the costs with the County. This is just the close-out of actually two projects, both the water ferry dock and City Hall, that we call City Hall, but it's not at City Hall, it's more for the Visitor's Center, the River Street Visitor's Center, and then also the recreational docks. It was for the removal of some piles that we did not know existed that were under the bulkhead at River Street, and then in addition, since the contractor was in progress, we had the contractor take out some of the bumper strips on both of the docks and some additional utility work for the recreational dock, so it's –, basically it flows out of that contract.

Commissioner Kicklighter said, I make a motion to approve. Commissioner Odell said, second.

Commissioner McMasters said, question. Vice Chairman Thomas recognized Commissioner McMasters. Commissioner McMasters said, this is almost the same amount that we had to fund for the archeological survey, is it not? Mr. Monahan said, this isn't the same project though. This is across the river. These are the docks on the –, excuse me, the River Street side of Hutchinson Island. This has nothing to do with the riverwalk extension. These are the ferry docks. Commissioner McMasters asked, but they're both paid for out of the same SPLOST fund? Mr. Monahan said, that's just the way the finance mixed them all together. Commissioner McMasters said, well, that's convenient, but it's the same project and –. Mr. Monahan said, no, it's not the same account number either. Commissioner McMasters said, all right. They're cousins. Mr. Monahan said, yes, they're cousins. Commissioner McMasters said, okay.

Commissioner Rayno asked, are they part of the water ferry thing? Mr. Monahan said, yes, sir, they're part of the water ferry system. Commissioner Rayno said, and the County should not be in the water ferry business.

Commissioner McMasters said, and any visitor or resident that wants to go from River Street over and utilize that riverwalk is –, this is going to relate, isn't it? Mr. Monahan said, yes, sir. Commissioner McMasters said, okay.

Commissioner Kicklighter said, I will state this is just the docks, it's not –. Mr. Monahan said, these are just the ferry. Commissioner Kicklighter said, it's not the ferry, so I don't want this vote to be misinterpreted for the million dollar ferry, because it's not –. Commissioner Rayno said, you've got to hop off that boat somewhere.

Vice Chairman Thomas said, no further discussion, all in favor of the motion. Opposes? Vice Chairman Thomas and Commissioners Rivers, Murray, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of six to two. [NOTE: Chairman Hair was not present.]. Vice Chairman Thomas said, the motion is carried. Thank you.

ACTION OF THE BOARD:

1. Commissioner Murray moved to approve Items 7-A through 7-E, except Item 7-D. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]
2. Commissioner Rayno moved to approve Item 7-D. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]
3. Commissioner Kicklighter moved to approve Item 7-F. Commissioner Odell seconded the motion. Vice Chairman Thomas and Commissioners Rayno, Rivers, Murray, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioner McMasters voted in opposition. The motion carried by a vote of seven to one. [NOTE: Chairman Hair was not present.]
4. Commissioner Kicklighter moved to approve Item 7-G. Commissioner Odell seconded the motion. Vice Chairman Thomas and Commissioners Rivers, Murray, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of six to two. [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

None.

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XIII. INFORMATION CALENDAR

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

ACTION OF THE BOARD:

Written report received as information.

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

ACTION OF THE BOARD:

Written report received as information.

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3. **ROADS AND DRAINAGE REPORTS.**

ACTION OF THE BOARD:

Written reports received as information.

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EXECUTIVE SESSION

Upon motion being made by Commissioner Rivers, seconded by Commissioner Kicklighter and unanimously approved, the Board recessed at 12:15 p.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel. [NOTE: Chairman Hair was not present.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:09 p.m.

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ITEMS FROM EXECUTIVE SESSION

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

ACTION OF THE BOARD:

Commissioner 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 Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner 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 1:10 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