

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, SEPTEMBER 13, 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, September 13, 2002.

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II. INVOCATION

Commissioner David Gellatly 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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YOUTH COMMISSIONERS

Chairman Hair the following Youth Commissioners in attendance: Haley Stone, Chairperson, a Senior at Johnson High School; Rizza Palmares, Vice Chair, a Senior at Calvary Baptist; and Shrinidhi Subramaniam, Secretary, a Junior at Jenkins High School, representing the Indian Association Youth Group.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. YOUTH COMMISSION SWEARING-IN CEREMONY.

Mr. Van Johnson said, Dr. Hair, Dr. Thomas, gentlemen, good morning. In June of this year several Youth Commissioners and I went to Washington, DC, to attend the first annual national youth summit sponsored by the United States Department of Health and Human Services. There 2000 youth there from all over the country, but for some reason when we were asked where we were from and we told them, many remarked that they had heard about us or read about us. It was only then that we fully recognized the implication of what this Commission has done in Chatham County. In March of this year 40 Youth Commissioners visited ground zero in New York during the active recovery phase. Many cried, many opened their mouths in amazement. All of them wanted to translate their experience into something tangible, something productive and something inclusive right here in Savannah. This came to fruition on this past Wednesday, the one-year anniversary of the day that America was victimized when over 1,000 people from all over Chatham County arrived at Lake Mayer with candles and flags in support of America specifically and of the youth of this community in general. Only the youth of this community could make this happen; only the youth of this community could bring WSAV, WTOG and WJCL and the Savannah Morning News together in the same place on the same time for something extremely positive. We came to reflect, we came to remember, resolve and to renew. Cumulus Broadcasting, our partners in this, were outstanding, and I have to tell you that all of their stations were there. They have been our partners for some time, and I certainly want to thank them publicly for all of the support that they have given us and in support of the youth of this community. They did not make any money off of this event, but when we presented it to them, Cumulus Broadcasting was right there and said, "We're your partners, we're right there with you." So I do want —, I believe Lydia Syed is here from Cumulus Broadcasting —, and we have a certificate of appreciation that I wanted to present to Cumulus Broadcasting for dedicated service and support of the youth of Chatham County. Is she here? [NOTE: Ms. Syed came forward and received the certificate.]

Mr. Johnson said, I am reminded of a young Congressman from Illinois named Abraham Lincoln saying in 1848, those citizens, and I quote, "We cannot escape history. We will be remembered in spite of ourselves. No person of significance or insignificance can spare one or another of us. The fiery trials to which we pass will light us down in honor or dishonor to the latest generation. Even we here hold the power and bear the responsibility." So we proudly present to you this morning the most outstanding youth in Chatham County, the leaders of today and the owners of tomorrow, the 2002-2003 Chatham County Youth Commissioners.

Mr. Johnson said, but before we go any further, we realize that these wonderful young people have parents. They didn't get here by themselves. We thank the parents for entrusting their young bundles of possibility to us. So all of the parents of our Youth Commissioners here this morning, please stand. I would also be remiss if I did not mention the wonderful group of young people —, I say young —, that worked very, very hard with these young people all year long above and beyond their work hours to give time of themselves to be able to mentor these young people, and of course that's Mr. Pete Nichols, that's Deborah Allen, Mrs. Connie Roberts and Ms. Jill Grove, and I thank them for all of their help. They don't have to do this, but they certainly volunteer to help us in this endeavor. Because of Dr. Thomas' vision and because of your support, we are just excited about this year and this coming year and all the things it has to offer. I want to present the Chairperson of the 2002-2003 Youth Commission, Miss Haley Stone.

Miss Haley Stone said, good morning, Commissioners, Youth Commissioners, and citizens of Chatham County. I can still remember the very first meeting I attended. I was very excited to be a Youth Commissioner. At the time I never dreamed that one day I would have the chance to serve as chairperson of such an outstanding program. I would like to thank Dr. Thomas for having a vision and acting on it. The Chatham County Youth Commission has played a huge roll not only in my life, but in the lives of many other people. Being a leader, respecting other people's opinions and the importance of volunteer work are just a few of the things that I have learned as a Youth Commissioner. I would also like to thank the rest of the Commission for supporting the Youth Commission. Without your support and involvement, the Youth Commission would not have been able to accomplish many of the things it has done in the past. My fellow Youth Commissioners, thank you for entrusting me with this position. I am truly honored. Having this position and doing it right is very important to me. I will give 110% to the Youth Commission for the 2002-2003 school year. I am very excited about the things that we will be doing. Mr. Johnson, Ms. Allen, Ms. Grove, Ms. Roberts and Mr. Nichols, we could not have better directors than you. Your charisma and style are what keep the Youth Commission fun and well-rounded. Thank you for the hard work that you put forth. You are all prime examples of what roll models are. Congratulations to our candidates. We are eager to get to know you and see what each of you will bring to the Commission. Be ready to work hard so that this year will be a fun and successful one. Thank you.

Mr. Johnson said, we encourage you to see their counsel. They have a lot of things to say and they want to tell you the many things that they think, they see, they feel, and I think that you will find their counsel wise, I think you will find it introspective, and I think you will find it useful.

As I call your names, please stand, the 2002-2003 Youth Commission:

	<u>SCHOOL/ORGANIZATION</u>	<u>CLASS</u>	<u>TERM</u>
CHAIR: Ms. Haley Stone*	Johnson High School	Sr.	2 nd

VICE CHAIR:

Ms. Rizza Palmares* Calvary Baptist Sr. 2nd

SECRETARY:

Ms. Shrinidhi Subramaniam Indian Assoc. Youth Group (Jenkins H. S.) Jr. 2nd

PARLIAMENTARIAN:

Mr. Matthew Greenberg* Jewish Educational Alliance (St. Andrew's) Sr. 2nd

EXECUTIVE MEMBERS:

Mr. Patrick Callahan Windsor Forest High School Jr. 2nd
 Ms. Rebecca Childs Savannah Country Day Jr. 2nd

<u>MEMBER</u>	<u>SCHOOL/ORGANIZATION</u>	<u>CLASS</u>	<u>TERM</u>
Ms. Carrie Barfield	Savannah Country Day	Soph.	1 st
Ms. Kathryn Bernard*	Savannah Arts Academy	Sr.	2 nd
Ms. Shantell Boyd*	Beach High School	Sr.	3 rd
Ms. Ciarra Callis	Savannah High School	Jr.	2 nd
Ms. Otani Cheley	Housing Authority of Savannah (St. Andrew's)	Jr.	1 st
Ms. Rachael Cohen*	Jewish Educational Alliance (Jenkins H. S.)	Sr.	2 nd
Ms. Claritza Cruz	Windsor Forest High School	Soph.	1 st
Ms. Niavona Daniels*	Upward Bound (Beach H. S.)	Sr.	3 rd
Ms. Leah DiNatale	Savannah Christian	Jr.	1 st
Mr. Kyle Garrison	Groves High School	Jr.	1 st
Ms. Alecia Green	Savannah Arts Academy	Jr.	2 nd
Ms. Nivea Gregory	Youth Futures Authority (Beach H. S.)	Soph.	2 nd
Mr. Arun Gupta*	Indian Assoc. Youth Group (Jenkins H. S.)	Sr.	1 st
Ms. Whitney Gusby	Jenkins High School	Jr.	1 st
Mr. John Hawkins	Savannah Christian	Jr.	1 st
Mr. Jonathan Helmken	St. Andrew's	Jr.	2 nd
Ms. Sandy Hoang*	Jenkins High School	Sr.	1 st
Ms. Te'Erica Johnson*	Summer Bonanza (Groves H. S.)	Sr.	3 rd
Ms. Greta Lindquist	St. Vincent's Academy	Jr.	1 st
Mr. Nolan Mell	Benedictine Military	Jr.	2 nd
Ms. Ashley Moore*	Providence Christian	Sr.	2 nd
Ms. Valerie Moore	Bible Baptist	Sr.	2 nd
Ms. Kathleen Nelson*	St. Andrew's	Sr.	2 nd
Ms. Amanda Newman	4-H (Savannah Arts Academy)	Soph.	1 st
Ms. Laura Parker	4-H (Savannah Arts Academy)	Jr.	1 st
Ms. Celeste Ratcliffe*	St. Vincent's Academy	Sr.	2 nd
Ms. Taqwaa Saleem	Jenkins High School	Jr.	1 st
Ms. Jameel Syed	Windsor Forest High School	Soph.	1 st
Mr. Vernon Taylor*	Windsor Forest High School	Sr.	1 st
Ms. Crystal Tyson	Johnson High School	Jr.	2 nd
Ms. Rebecca Warnock*	Providence Christian	Sr.	2 nd
Ms. Krystal Wise*	Savannah High School	Sr.	3 rd

*Graduating Seniors

Mr. Johnson said, ladies and gentlemen, your 2002-2003 Youth Commission. Dr. Hair, Dr. Thomas, if you will come and administer the oath of office to these young leaders.

Chairman Hair said, raise your right hand and repeat after me. Chairman Hair then administered the following oath:

"I, (state name), a citizen of the State of Georgia and of the United States, and a member of the Chatham County Youth Commission, do hereby solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Georgia, that I will honestly and faithfully perform the duties assigned to me, and that I will at all times abide and conform to the laws, ordinances and rules and regulates approved by the Chatham County Commissioners, so help me God.

Chairman Hair said, congratulations.

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ORDER OF BUSINESS

Chairman Hair said, that takes us to the Commissioners items. A couple of changes. Dr. Thomas has requested her item be moved ahead of mine, and I certainly have no objection to that, because she wants to talk to the Youth Commissioners and then I would also like to add at the end, an item eight, Discussion of the LOST negotiations.

[NOTE: Without objection by the Commissioners, Item VII-1 was taken out of order and heard at this point on the agenda.]

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VI. CHAIRMAN'S ITEMS

1. CLARIFICATION OF BUDGET ASSUMPTIONS. *Postponed from August 23, 2002, meeting.*

Chairman Hair said, I am concerned about there is some confusion, at least in some people's minds, not necessarily in everyone's mind, about the budget in terms of whether the numbers were the expenditure numbers or the budgeted from last year. I think everybody agreed that we were going to hold the line to last year's spending, or last year's numbers. I personally think that it should be the budgeted numbers for several reasons, and I will state those reasons. Number one is it will bring clarity very quickly to the department heads and the constitutional officers. It's probably going to be another two to three months before we're going to know what the audited numbers are, the expended numbers are, and I think to have a department head to go halfway through their year with not really knowing what their final number is going to be to operate their budget is, and probably the main reason I think it should be the budgeted numbers instead of the expended numbers is I think it sends the wrong message. It punishes the departments that were judicious and had money left over they did not spend, which I'm sure they could have spent, and it rewards the department that spent every dollar they had. And I would respectfully ask my fellow Commissioners to pass a motion saying that the budget would be reflective of last year's budgeted numbers and not the expenditure numbers.

Commissioner Gellatly said, I make a motion that we do that. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair asked, any further discussion? Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, Russ [Abolt], I know later on the agenda you're giving a presentation on stuff. What numbers did you use to come up with the numbers that you will be discussing later on? County Manager Abolt said, the numbers being, of course, from the proposal the Board prepared and the majority of the Board voted on and essentially were an estimate as to savings based on the expenditures in each department current as of June. Those figures that staff had presented to you were not suspect, but they were interim numbers. The proposal that you have before you that I've done, and I believe to the letter of your direction, reflects in effect numbers that in and of themselves are changing, but also a realization, which I want you to address beyond your resolution, that I need definitive direction if you choose something other than what I have done, because otherwise we will have an imbalance a minimum of \$1,012,000. If you carry forward your discussion to also embrace the issue of the vacancies, which again I have addressed and solved, we have an imbalance that is flirting with \$2,000,000. So, I certainly respect your right to reconsider, but at some juncture fairly early on I need your direction as to how you wish us to close this chasm, which could amount to as much as \$2,000,000.

Chairman Hair said, we will do that. Any further discussion? Commissioner Rayno said, yes. Commissioner Murray said, let me finish. I had the floor. Chairman Hair said, go ahead.

Commissioner Murray asked, if in fact your numbers were based on the expenditures, and that's what I think you just said, is that right? County Manager Abolt said, yes, sir, and I'll --, if you want the details now, but in my discussions with --. Commissioner Murray said, I'm not interested in all the details, we're going to get that later, but what I'm --. County Manager Abolt said, I apologize. Commissioner Murray said, my question is the numbers that you have worked up that you will be discussing later, were based on the expenditures or the budgeted number? County Manager Abolt said, they were based on the numbers that came from Commissioner Rayno, and I feel a little awkward in trying to explain his numbers. I know he did it very well. My understanding of those numbers and that of staff, which is contained in the attachment to the report you're referring to, reflect that they became the decision point to make certain reductions, primarily in general government, and we did that.

Chairman Hair said, Commissioner Rayno and then Commissioner McMasters.

Commissioner Rayno said, I'm sure that Commissioner Gellatly and Commissioner Kicklighter realize that if this motion passes, you will in effect have to raise taxes, the millage rate, or you'll have to cut some jobs to make the budget balance. Commissioner Gellatly said, I would respectfully disagree. Commissioner Rayno said, okay, well, give me some numbers, tell me how you're going to make it balance. Commissioner Kicklighter said, when we approve this LOST agreement here later today, we will effectively raise our revenues by far enough to cover this, and I agree with the Chairman that we should not punish the department heads who worked diligently to come in under their budget. Now, I agreed with you in the beginning when we were flat out broke and didn't have the money, let's do what we have to do to cut it to keep taxes from going up, but now that we're going to have the money coming in, let's not punish our

employees, let's work with them and help them out all we can here. Commissioner Rayno said, I think your answer is very short-sighted in the fact, Dean [Kicklighter], that you're not looking down the road. You're not looking at the national trend in health care, which shows you there's going to be a 20% increase in health care costs next year and 20% after that in the following year, and you'll be into a deficit situation within one year again because of that alone, not to mention the indigent costs within the jail system and the rising jail costs, which are not going to decrease. They're going to increase. We're basing that LOST figure on a stagnant number, which is not going to be stagnant next year or the year after that. So what's your projection for two years out or three years out? Commissioner Kicklighter said, if I can –. Can I answer this, Mr. Chairman? Chairman Hair said, yes, sir. Commissioner Kicklighter said, if I can answer, Mr. Rayno, and I'll say –, and I complimented you before on your diligence of working hard crunching numbers, but I would say at this point that I would trust our full staff of accountants and money-crunchers' numbers more than one person's diligence, and I, you know, they're saying we're going to come in short, we have the money to cover it, so, you know, at this point I do trust our full staff's numbers more than one person's, although I respect your diligence. Commissioner Rayno asked, did they give you a three-year projection, Dean? Commissioner Kicklighter said, Mr. Rayno, we don't need to carry on a one-on-one question and comment. Commissioner Rayno said, I think we do. Commissioner Kicklighter said, I've explained why I will vote for it, and that's –. Commissioner Rayno said, it's a yes or no question. Did they give you a three-year projection, Dean? So you'll no know –.

Chairman Hair said, I think his answer to that was no, so, Commissioner Rayno, let's continue.

Commissioner Rayno said, so you're going to make a decision today without knowing how it's going to affect the future. We could have a nice pad of money if we go with what we decided up. Commissioner Kicklighter said, I'm going to make a decision today based on what's going to happen at the end of this budget projecting a possible \$2,000,000 deficit. That's it. You know, you've got to cover today to be able to plan for tomorrow. If you're bankrupt today, that's not going to do you good three years down the road.

Chairman Hair said, let's continue. Commissioner Rayno, do you have any other –? Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Dr. Hair. If departments that don't spend all their money come to understand that as long as they spend all their money that they'll get at least that amount or more in the following year, this is a bit of a rhetorical question, what incumbency or mandates would there be for departments to try to achieve efficiency? That is a question that I float out there and we are only talking about general government. We've already learned that constitutional officers get to keep whatever their budget. As a matter of fact, their funding is their funding. Hold on just a second, Sheriff. I'd love to hear from you, but I want to point out that while staff has had considerable amount of time to put numbers together, Jeff and I have requested from staff two and a half weeks ago an update on 02 numbers, year to date, so that we could look at our numbers and our budget that we passed, and it wasn't until last night's packet, last night's packet, that the numbers were provided. And I don't know why it takes two weeks to give us the numbers that are the very numbers that we're going to be hearing about today. I –, that places us at a distinct disadvantage for the lack of data to be able to intelligently articulate thoughts on various budgets. Secondly and lastly, any dynamic of government is your receivables, and on August 27th –, y'all did not get copied on this –, on August 27th I asked from Russ [Abolt] a list of all receivables that are due the County over \$10,000. Attached to this memo last night is a comment, and this is three and a half weeks after my request, we are still working to prepare a receivables report requested from Commissioner McMasters. I anticipate completing this some time next week. Why is it that this County cannot tell us what receivables are due? Why can this County not provide us with the information that we need to look at our budget proposals and adjust and fine tune them, yet we can come today and make motions? Did y'all get –?

Chairman Hair asked, Commissioner McMasters, would you like an answer to the question? Commissioner McMasters said, yeah, I'm going to finish and then I'm happy to hear the answers to these questions, but since I've been operating aboveboard in requesting data and information to make intelligent adjustments or prospectives and I haven't received it, I feel at a terrible disadvantage today that we're going to go ahead and make all sorts of budget changes and adjustments. Give us the information, give us a chance to evaluate it. Don't give us the night before and don't take three and a half weeks to prepare some data that we requested. Now, if you'd like to comment Reese [White] or Dr. Hair, take over. Chairman Hair asked, would you like to answer Commissioner McMasters.

Mr. Reese White said, Mr. Chairman, I am solely to blame for that. Everything John said –, Commissioner McMasters said is true. He did ask for those numbers, I did give him some of them only last night. There are others I haven't given him. It –, there's no conspiracy here to keep information from Commissioner McMasters or any of you. We are having problems in Finance because we have a lot of –, a lot of programs and projects that we are working on. It's a workload thing, Mr. McMasters, and –, but it is solely my fault, not Mr. Abolt's fault.

Chairman Hair said, Mr. Abolt and then Commissioner –.

Chairman Hair said, please –, you know, I appreciate the mea culpa from the Finance Director, but I do take exception with your numbers, Commissioner McMasters. You sent a memo to –, in my absence, because I was on vacation for a week, to Pat Monahan. I believe it came in on the 27th of August. They were beginning to work on it. I reviewed it when I returned to work on the 3rd of September. We literally were slammed. We have to get this budget report, which you have before you now for action, and it included meeting with departments. I appreciate Mr. White, who's been working long, long hours, in effect assuming responsibility, but it was not three and a half weeks, and on the issue of

expenditure information, you talked to me and I sent a memo immediately after I'd also verbally communicated to Mr. White on expenditures and revenues dated the 4th of September. I mean, we respond as promptly as we can. The only thing we have not responded to is a fairly extensive analysis of, in effect, receivables. In your memorandum to me, which I appreciate, you wanted my personal review of that, which I will give, but there's only so much time and our priority has to be, because we're already into our fiscal year, to deal with your previous decisions on the budget.

Commissioner McMasters said, Russ, the fact of the matter is the calendar is the calendar, and do you consider a request made on the 27th of August and unfulfilled today, but totally pertinent, germane and relevant to this discussion that we're about to have, a satisfactory response time? County Manager Abolt said, sir, I –, again, the discussion you're about to have I don't know if I can typify it as fully understand it [sic], the discussion you were going to have in receiving my report that, in effect, acknowledges how we will solve the budget problem, namely we'll make the reductions in general government of \$1,012,000 and we'll come up with savings in vacancies of \$845,000 is done, and that was done through extensive review with department heads and the work of Mr. White. In the meantime, you came in with additional information request, which we do all we can to, in effect, meet that need with the exception of the receivables information, which is a fairly extensive analysis, which has not been three weeks ago. It's been less than that. Commissioner McMasters asked, is it a fairly extensive number? County Manager Abolt said, sir, I do not know. You're asking –, and I'm not being critical of it –, the information you requested is extensive, number one, in the way in which you asked the question because you want a full analysis. We are not in the business of giving half answers. In making sure that we don't give half answers, we have to give priority. I have mentioned to the Board previously that Mr. White and staff have done an amazing job in Finance. We truly found ourselves in a crisis situation. We did not make much about it publicly, but Mr. White has created stability within that department. The only way we can do things extensively and do them well is to have time.

Commissioner McMasters said, Russ, the only way I can do anything well here is to have the information that I need and I only have one question for you. Do you feel that whatever this number of outstanding debt that's due this County, that is not yet prepared, will it –, could it potentially impact our current budget discussions? It's a yes or a no. County Manager Abolt said, no, it's not, sir. Commissioner McMasters asked, it's not relevant? County Manager Abolt said, no, I mean, it's not a yes or a no answer. Finance –. Commissioner McMasters said, well, I'd like a yes or a no answer. County Manager Abolt said, no, sir, I will not give you a yes or a no answer because it's more extensive than that, and the issue begs an explanation. Finance in and of itself is very complicated. We do not attempt to make it complicated, but when one member of the Commission makes a request, not the entire Commission, we don't turn a deaf ear on that, but we respond in the context of the overall priority, which is to get the budget moving. If there are any corrections that have to be made based on receivables, certainly based on the audit staff has shown time and time again we do that. That's why we have all these awards on the wall. We are not unmindful of any information that might be relevant to budget. Commissioner McMasters said, Russ, with all due respect, and I'll conclude on this. I think most governments today, if you were to ask them what is your assets, what are your liabilities, they would tell you and they would tell you quickly. My wife's business, my business –. County Manager Abolt said, sir, I –. Commissioner McMasters said, most businesses –, please let me finish. County Manager Abolt said, I'm sorry. Commissioner McMasters said, can tell you quickly how much money is owed them because it's an integral part of budgeting. County Manager Abolt said, but the nature –. Commissioner McMasters said, I've asked and I've not been told and I don't think the subject and the conversation that we're going to have today –. County Manager Abolt said, the nature of your request –. Commissioner McMasters said, ought to continue until that information is forthcoming. County Manager Abolt said, the nature of your request was a specific analysis of reasons why, and that's what we were doing right now.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, I would like to see the vote on this tabled until after the rest of the discussions, Russ's discussion on his budget, and after –, if in fact there's going to be a vote –, on the LOST. I would like to see that vote take place first, too, because, first of all, I think we're going to get stung on it if we vote for what's being offered right now. But that's my opinion and we can get into that later, but I will make a motion to table the discussion on this until after the discussion on these other two issues are already resolved. Commissioner Rayno said, second.

Chairman Hair said, all those in favor of tabling 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 to table carried by a vote of seven to two. Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

1. Commissioner Gellatly moved that the numbers to be approved on the FY2002-2003 budget be the budgeted numbers for FY2001-2002, not the expended numbers. Commissioner Kicklighter seconded the motion.
2. Commissioner Murray moved to table the vote on the previous motion until after the following two issues are resolved: County Manager Abolt's discussion on the budget and discussion and vote on the LOST negotiations. 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 to table carried by a vote of seven to two.

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2. SETTING MEETING WITH STATE LEGISLATIVE DELEGATION.

Chairman Hair said, the –, we've gotten a letter from Representative Mueller, Dean of the Delegation, that we set our delegation meeting after November 5th. I'm going to suggest to the Commission that we do it on Wednesday, November 13th at 12:00 Noon, here in this Commission Chambers. Anybody object to that? Okay. If not, we'll have our Legislative Delegation meeting on November 13th at 12:00 Noon here in the Commission Chambers. And, Russ [Abolt], if you would make sure that we get the memos out to the Delegation and also just to remind the Commissioners as well.

Commissioner Odell asked, could we get before that meeting a summary of last year's requests from our lobbyist. County Manager Abolt said, the answer to your question is yes, we will do it. There's a sub issue to this, which I don't want to belabor the discussion now. After your budget decisions, you'll want to ensure that you have sufficient funds to employ a lobbyist, but that's my footnote.

Chairman Hair said, thank you.

ACTION OF THE BOARD:

By consensus, the meeting with the Legislative Delegation is scheduled for November 13, 2002, at 12:00 Noon, in Commission Chambers.

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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). *Postponed from August 23, 2002, meeting.*

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. I'd like to approach the well. Chairman Hair said, absolutely. Commissioner Thomas said, good morning. I have been in the public service for all of my adult life. I have educated the youth of this County, their children and in some cases, their children. I have worked in the administrative ranks to ensure that policies and procedures were relevant and effective. I served on State Board of Education to ensure comprehensive compliance and commitment to the total education of youth and the proper functioning of the teachers that teach them. I later decided to serve my community by becoming the Commissioner for Chatham County District Eight. I am constantly reminded from my early and continuous teachings from my dear departed mother that I am here to positively change lives, that I'm here to make a difference in the lives of people who thought enough of me, my integrity and my ability to properly represent them at Chatham County's table. We say prayers before each Commission meeting asking God for his direction and guidance, but I'm so disappointed that as soon as the amen has been said, in some cases, we degenerate from servants of God and people and, as one citizen put it at the last meeting, bullies or many dictators. I have been so bothered by our behavior that I could not have peace in my mind or in my soul until I had the opportunity of expressing this. Our staff, led by our County Manager, have proven themselves to be, time and time again, experts in their field of endeavor. They have weathered the storms with us. We have asked them for patience and understanding and then we publicly berate them, question their intelligence and question their integrity. We have forgotten the words thank you, we have forgotten the words we appreciate you, but our employees have heard we're going to increase your health care premiums, they have heard we're going to change your health plan, they have heard we're going to give you a 1% pay raise while the Commissioners will get a 3% pay raise. Our sentiments, no matter how noble, are not expressed most times through our actions. Local political signs tells us that all we have to do is count to five and we can make things happen. Just because we have the votes or the power to make something happen does not mean that we should make it happen. God has the power to take life from us whenever He feels like it, but His grace and mercy allows our golden moments to roll on just a little while longer. I wish we would exercise more grace, more mercy, more compassion, consensus building, camaraderie in executing our constitutional duties. From what I've heard over and over again from constituents –, not only just mine –, they're tired of seeing us act like children on a school yard and, Lord knows, I'm tired of it. Speaking of children, we have a Youth Commission that has received national attention for the many things they do in Chatham County. During the year each one of them sits in this room during our meeting. Many of them have expressed concern to me and Mr. Johnson that we act like children, that we do not exercise effective communication skills, and that we do not properly resolve conflict. I ask you this morning what type of example are we setting for the leaders of tomorrow? Do we tell them to do as we say do, or do we give them the proper example for progressive government? I tell you, we are being watched.

Commissioner Thomas said, as your Vice Chair and one of the senior Commissioners here, let me remind you that government is of the people, by the people and for the people. So people are the reason why we are here. We might be concerned about enhancing our budget, but I'm also concerned about enhancing the lives of the citizens that live here. I realize that I'm the voice of those who cannot speak for themselves. I am the voice for those that need public transportation to go to and fro every day, I realize that I speak for those that are blind, deaf, disabled and mentally handicapped. I realize that, yes, I speak for those homeowners that don't want their property taxes raised, but I also speak for those who do not have property to be taxed. We need to do unto others as we want done unto us. We must be respectful, kind and courteous. We must be able to disagree without being disagreeable. We must look to our County Manager and our County Attorney for guidance and hold them accountable for their advice. We must seek consensus instead of five votes. If we continue in this manner, none of us, and I repeat, none of us will be here after the next election. Let us remember the real reason we are here. It is not to fight, it is not to bicker, it is not to dictate, it is not to bully, it is not to criticize. We are here to serve. We have nine members on the Chatham County Board of Commissioners, all devoted with diverse backgrounds and experiences, elected by the people, for the people.

Commissioner Thomas said, and in closing I would like to say it is not about can you count to five. It's about working together truly making a difference as Commissioners, investing our time, investing our energy and our effort in making our citizens proud to be a part of Chatham County, and this morning I'd like to thank you for your time. I'd like to thank you for listening because we're in this thing together, and let's make a difference together. Thank you.

Chairman Hair said, Dr. Thomas, I would personally like to thank you for those remarks. I think they're very appropriate, I think they're right on the mark, and I hope that we, as a collective body, will heed your advise and take your charge. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. When I first heard that this topic was going to be discussed about being inappropriate at meetings and being disrespectful to one another and staff, I thought that the topic itself would invoke disrespectful comments. I agree we should never publicly criticize or jump on the staff, but I also don't find it the place to publicly criticize one another. I believe that's exactly doing what you said we shouldn't do, publicly criticizing the Commission is no better than publicly criticizing the staff. As far as the five votes goes, I think you'll see displayed today possibly that I personally will vote for what I believe in, and the amount of people that votes with me that's what I, you know, I can't help. We never really heard about five votes, and I'm -, we're going to lay it out on the table right now, when five democrats was winning. When the five votes was democrat votes, you know, you didn't hear me or the remaining republicans around here, you didn't hear anyone complaining about five votes because that's a democracy. That's the way it goes. You have to garner the amount of votes you can get to accomplish what you believe in. As far as the 1% raise versus the 3% raise, I believe that the State of Georgia mandated a 3% raise for Commissions across the State. I would be more than happy to donate back or have it taken out if that can be done, yeah, the 3% on there because I, you know, trust me, no one here is in this for the money. The little bit of money that's paid may offset the losses that we miss from work and, you know, the 3% of \$14,000 is not going to make anyone wealthy, and I would gladly give that back, if possible.

Commissioner Kicklighter said, as far as speaking for the deaf, blind, handicapped, people in need of transportation, I, too, speak for them. I believe everyone of us up here speaks for them. But I, too, speak for the taxpayers in this County, which includes the deaf, blind, handicapped, and I have a goal to keep taxes down, which conflicts with some of my fellow Commissioners here, and I believe a difference in opinion, if worded properly, is not disrespectful. That is what a democracy's made of. We should all agree to disagree and we should disagree in a very respectful manner, and as long as we do that, I believe we're productive and we're doing what the people elected us to do. And I -, like I said, I don't believe -, I believe this should have been discussed behind doors, but I just felt compelled to at least explain how I feel about it, too. Thank you.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Dr. Hair. I'd like to address just briefly the issue of our pay raises versus employee pay raises, but I'd like to thank Dr. Thomas for the time and the sentiment and the encouragement for us to do the people's work in the best possible fashion. I don't think many people realize that Commissioners make around \$14,000 a year. The fact that we were given a state-mandated 3% pay raise was of concern to many of us on the Commission. We met with the County Manager and we asked if this amount could be withheld from our checks so that we only received what employees received, which was 1.5%. We were told that that was not possible, that the Enabling Act, the authoritative language that governs what's possible and not possible within our governmental process here in Chatham County, prevented the County from withholding what we received above and beyond what County employees received. We decided amongst ourselves, many Commissioners did, to go ahead and donate the difference to the charities or organizations of our choice. I personally have given my \$67 to First Presbyterian Church, increased my tithing. So, with all due respect, I want the public, the gallery and everyone to understand that we are not overpaid, in my opinion. We recognized early on this apparent disparity between what in a deficit budget of eleven and a half million dollars only enabled us to give County employees a 1½% pay raise. The fact that we recognized that, we tried to take appropriate action with staff that the money could not be withheld, we made the right decision amongst ourselves to not take anything more than what the County employees received. So, I think that was the right thing to do, and I wanted everyone to be aware of that. Thank you.

Chairman Hair said, Commissioner Rayno and then Commissioner Murray.

Commissioner Rayno said, there's always a grain of truth in any criticism, and I thank Dr. Thomas very much for your remarks, and I think at times we're all guilty of, you know, getting a little emotional and saying things that we probably shouldn't, and it's something that we can always endeavor to improve upon. It's things that I think about every Sunday when I go to church, and it's changed my life in the past two years. If you saw me three years ago, and the person I am now, you see a different person. It's not a great person, but it's better than it was. I strive to be like Harris Odell.

Commissioner Rayno said, but as far as sending thanks, when I saw your thing on the agenda, I started collecting all the thank-you notes that I've sent out. There was one in March 8th of 2001 to Mr. Drewry. His crew went out on a very cold morning and picked up papers, and I said I wanted to send a huge thank-you to Mr. Drewry and his crew because they did a wonderful job cleaning up the Montgomery area this morning. They braved the cold and did a fine job. And I also sent one out to Mr. Sprague for his hard work he did concerning the Montgomery Boat Ramp on March 8, 2001. I thanked all the people personally when I took a tour with all the department heads on November 1st of last year, and we went around my whole district looking at things that could be improved upon. At the end of the trip I personally stood up and thanked each and every one of them. In March 2002 I thanked all the staff at the Aquatic Center for all the hard work that they did through a memo through Russ [Abolt]. April 10, 2002, the Whitfield Park Association had a meeting and I sent a letter to Lt. Glover for her hard work. I thanked Mr. Sprague for the hard work that she had done. I thanked Mr. Abolt numerous things for all the things he's done. I thanked Tom Sprague in April of last year for taking care of a peeping Tom problem we had in our neighborhood. I thanked Mr. Sprague again, same day, for a loose dog problem. And this list goes on and on. What you don't see me thanking for, I do all the time, and, you know, there's two sides to every story. And I'm sure other Commissioners have sent out thank-you letters, too, but I think it is appropriate sometimes to criticize, whether we like it or not. I didn't necessarily like the criticism today, but again there's grains of truth in any criticism. For instance, last year I complained about Ambuc Park not being up to par with Minute Park. I made a complaint and after a lot of yelling and screaming, things were done and it was improved and they did a great job, but now today if you drive by Minute Park and Ambuc Park, the same situation exists. So, should I not criticize and say why aren't they weed-eating Ambuc Park, but they do in Minute Park? Why did they leave a huge strip of grass that's not mowed in Ambuc Park? Why does the City do a better job? You have to criticize to make things better. That's what our whole society is all about. That's what the whole country was founded on. We debated. The founding fathers debated among themselves in the Federalists papers, this is what this country is going to be. It wasn't a friendly debate, at times it got heated and there were disagreements, but what came out of it was a positive experience, and I think even in my relationship with my wife, I love her to death, but we fight, but out of that comes a stronger relationship. And, so, again there's grains of truth in what you said, but also there's two sides to every story, which I think we all experience as well. And again I thank you for your remarks.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, first just let me say that I appreciate Dr. Thomas' comments. I, too, have been concerned about the open criticisms back and forth among Commissioners. All of us are guilty of it. As a matter of fact, several meetings back I almost sent a letter to each Commissioner about this. I never have believed in publicly in the media or in a public meeting criticizing another Commissioner, and I'm not going to start that now. As far as the raises go, there were 12 years that the Commissioners received zero increase on anything, the first 12 years I served. We cannot give ourselves raises. We never have voted to give ourselves raises. It is mandated by the State, and our local delegation is the only group that can give the Chatham County Commission a raise or a deduction in pay. So, if somebody does not like that \$60 a year increase that we got, which I'm willing to give to anybody that wants it —, we've got a taker over there? I think I'll give it to somebody in my district though. But, you know, I think that raise situation is being blown out of proportion, and not because Dr. Thomas brought it up, because it is something we hear constantly. But I didn't see any outcry for 12 years saying, well, the Commissioners are only making \$8,000 a year, they need to get a raise of 2% or 1% or whatever, the 12 years it stayed at that figure. The increases continued to go up with County employees and stuff, but never on the Commission, and that doesn't bother me. I knew what the pay was when I came on this Commission and it can stay at what it was when I first came on, that's fine with me.

Commissioner Murray said, the other thing that I would like to address is the fact that I have never been one to say publicly that I have five votes and I can ramrod something through. I've been on the winning side and I've been on the losing side. We unfortunately have to run as a republican or a democrat when we run for office, but when we're elected, we're elected to represent everybody regardless of what affiliation they are or whether they're an affiliation of any particular political party, and I think that we need to strive to do that. Yes, I vote sometimes with, I guess, the five gang that's been in the paper, because I feel like some of those issues are right. I vote with the other people up here because I feel like those are the best —, that's the best way to go with it, and I think that most of us, if not all of us, will vote for those things that we feel very strong about, regardless of which group or whether it's a five/four vote or whether it's an eight/one vote, it makes no difference. I've been the one vote that's lost many times, and I think everybody else up here has done that. So, I think that we do need to work together, but I will say this. As long as we're debating an issue before the vote is taken, I will argue that point and I will debate that point until that vote is taken, win or lose, and I think that's what we're here for, to fight for those things that we think are right. So, again, Dr. Thomas, I do appreciate your comments. I do have some of those concerns myself and, hopefully, by this open discussion we will be able to work closer together and do some things. So, thank you.

Chairman Hair said, thank you. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, thank you, Dr. Hair. I think it's important to thank Dr. Thomas first for what she's done with the Youth Commission. I've practiced law for 22 years and so often when I have to go to Juvenile Court, the only thing that I see is what young people are doing that are bad –, that's bad. To see someone broke in a car, and it's always negative. I think it's extremely important today that we look at all of these young people who are doing that which is positive, and the inspiration for the Youth Commission must be placed with Dr. Thomas, and I commend Dr. Thomas for that.

Commissioner Odell said, I think it's important to clarify disagreement from –, I've debated since I was in elementary school. In high school I was captain of our debate team. There's no problem with debate. The distinction that's being made, and I think what Dr. Thomas is saying, is that level of civility, and civility is being –, you can disagree without being disagreeable. And I think we can do that. I find myself occasionally getting caught up in an issue and responding in a negative manner to a fellow Commissioner. I've done that and Jeff [Rayno] and I have teased one another back and forth. I cannot say that I will reduce the passion. I can't do that if I'm going to devote the only thing that I have, and that is time. The only thing that I cannot get back in this life is time. If I'm going to devote my time, then I'm going to have a certain level of passion for the projects and tasks that we will do. I think the comments made by Dr. Thomas are good, and I think we all can learn from it. I don't know of any of Commissioners' relationship with the staff, but having been elected in 1995, I have found our staff to be outstanding and Russ Abolt and I have tracked, not just this year, we have waded through weeds to look where constituents did not want a road to go, we have looked at clearing of lands to build a park, we have driven the Truman Parkway and the Veterans Parkway. We have a good staff. We have a small staff though. We have a small staff if you compare our numbers with the City of Savannah. We have probably about one-fifth, and that's no criticism of the City of Savannah. They have the absolute right to manage the way they choose to manage and we have the absolute right. I think what we do is, in that this is Friday the 13th, and we're obviously not superstitious, but from today we go forward and we simply say, right, wrong or indifferent, that we are –, we are in need of support of one another and that we can differ –, and we're going to differ because my constituents demand that we differ on issues. We've got some issues today that we're going to have a substantial difference on, but the difference is not a personal attack, the difference is a difference of ideas, difference of philosophy. That's what it is and I think that's what Dr. Thomas said. I'm going to try to hold it within those bounds and I look in Jeff's eyes and he says he and his wife argue, but I got a call from a Rayno regarding a divorce, but –. I don't know too many other Raynos. Commissioner Rayno said, I'm calling you first. Commissioner Odell said, no, but if we keep it within those bounds, value the time of the citizens who are here, and –, I don't –, I've been on the losing end so many times, the gang of five, I'm not overly concerned. I was in a class of 135 and there were just four of us, so being on the minority don't bother me, and I think that John McMasters and I on a monthly basis have lunch. I am the leading liberal in Chatham County. Yes, I am a liberal, and here's what I mean. I believe in people. I believe that we need to do a better job for mental health, I believe that this State has been just devastating to mental retardation. We have cut back far. I believe that, as a Commissioner, it's our obligation to provide government for those people who can't afford government. The wealthy in this community can afford all the government they want. It's the middle class people who pay everything. You pay everything; you pay everything. You need the representation. It's those who are disabled who need the representation. I'm a liberal, and I'm not ashamed to be a liberal. I compare that with being a humanitarian. John and I have lunch once a month and we argue and we debate and he puts his ideas together and I put my ideas together, and we leave with some consensus. We might leave saying that we're going to disagree still, but that's political love and we do that. And I want to thank you for the time, but I did want to thank Dr. Thomas for the Youth Commission. I mean, this is an outstanding group of young people, and 10 years from now some of these people will be in substantial, substantial national positions, and I hope that you go forth and realize that we are our brother's keeper, that we have an obligation to one another, that we are, regardless of what nationality we are, we are Americans. I refuse to allow anyone to call me anything other than an American. I'm an American, and it's a good place to be, and you all are going to make it better. And I hope the news reports that we had 85 [sic] kids today –, not kids –, young people, sorry about that, who are doing substantially good in this community. I hope that's reported because I hear about 18-year-olds shooting one another, but this is more important. And thank you, and thank you, Dr. Thomas.

Chairman Hair said, thank you, Commissioner Odell. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, I want to thank you, Commissioner Thomas, for your comments and making us cognizant of some times how we react to each other. Realizing that this is a political forum, and no matter what you say, political forums sometimes becomes volatile, and we have to govern ourselves –, not that we disrespect each other –, but sometimes we get emotional on issues and we have to understand that because I'm emotional on an issue doesn't mean that I dislike and I try not to disrespect anyone up here.

Commissioner Rivers said, you know, I was here when there was eight democrats and one republican, and we treated him with respect, and I was here when it was six/three, and it was a harmonious situation. Okay? I was here when it was five/four, and I take a difference with my fellow Commissioner, he hasn't seen five/four because when he came in, the balance shifted. It went five republicans and four democrats, so he hasn't had that luxury, but we still were able to bring harmony on certain issues because we worked together on issues, and it's about the people. It's about the people and it's about your issues, and that's what we worked towards. And I'm going to be highly emotional on an issue that I believe in no matter what. I may go down –, I'm a former Marine and I don't believe –, I may lose the battle, but I'm never going to lose the war because I'll continue to fight until I annihilate you, and that's the way I was taught. All right? So when you see Joe Rivers standing alone, say, well, he's out there, he's going to be there, he's coming back, and we've got to understand that. I've always pushed, when I came on, and I'm saying this for the Youth Commission, I'm saying this for people in John Q. Public, some of us don't even realize, if you were to go out in the street right now and

ask how much County Commissioners make and they would tell you some exorbitant amount of money. People have a misnomer of what County Commissioners make, salary wise. When I started, it was \$7,200, the first four years. For the next 12 years, and I'll take —, differ with Frank [Murray], we did give —, we were able to give the next Commission a raise. We can't give ourselves a raise, but we can give the incoming Commission a raise. So we gave ourselves a raise of 12 —, a thousand dollars. So for the next 12 years I made \$8,400, and we continued to push, and I was at one of the forefronts because initially I sit on a commission —, I chaired a commission that advocated if the commissioners passed and met all their requirements for certification, that they would get an increase in salary for that. I also pushed the 3% off of a committee that I was on. I think that we should be compensated. I go around the country, and if you look —, I like to give the Youth Commission a project, just study around the country how much Commissioners make, and you'll find a great difference. You'll even find a great difference here in Georgia. You'll find wherein some here get \$100 a meeting, but nevertheless I'm not trying to justify the 3% because, hey, in my community we have death, whatever we have, I go. I represent the County at a meeting, and Frank does, in Liberty County. I doubt if we ever submitted compensation for gas, which we are —, have a right to do that, and you can imagine the amount of money that I'd probably get just in travel on gas, so there's a lot of things that we don't —, that we do that we're not compensated for. So, you know, with this little 3% I'll probably spend it up at the next funeral when I go out to buy some food or some sodas. So, it's not a matter of the 3%, believe me. But, nevertheless, Ms. Thomas, I thank you, and again I would be remiss if I didn't say I enjoy the Youth Commission. I enjoy you guys each time that y'all come to Washington. I would like to see us interact a little more. I would like to see you interact in the community, and I would challenge those that are in the Second District, we have a Second District County Commission and Aldermanic Meeting each month, the second Wednesday of each month. So, I would like for y'all to come and participate and bring little projects that we can do to improve the neighborhood and the quality of life for everybody. We also have School Board members there, we have State Legislators there, we have all the department heads from the City and everybody else. So, that's a good place for you to interact. So, those in the Second District, and if you're not in the Second District and you want to come, come on. Thank you. Commissioner McMasters asked, where do y'all meet at? Commissioner Rivers said, St. Pius.

Vice Chairman Thomas recognized Commissioner Gellatly.

Commissioner Gellatly said, thank you, Dr. Thomas. Dr. Thomas, first of all, I appreciate your comments and you certainly acted as the conscience of the Commission, and your remarks for the most part were right on target, and I appreciate them. I don't take issue with, but just for clarification, the five votes that we keep on hearing about, which now happen to be republican, with the exception of budget related items, budget, I would say that if you checked the record, you would find that these five republicans generally do not vote together, and I would say that probably somewhere 70 or 90% of all votes taken by this Commission we have republicans and democrats that vote together and republicans and democrats that vote against each other, but when it comes to budget items, we tend to stick together. And, again as Commissioner Odell pointed out, why this is a matter of philosophy. It doesn't make us good or bad, it doesn't make us right or wrong. It just makes us people with different positions.

Commissioner Gellatly said, as far as the raises are concerned, you know, I retired a couple of years ago and I probably could have found a job that paid more than this. In fact, I know I could have, but I decided that I was at a point and time in my life that I needed to give something back to my community and that's why I ran for office, and certainly not for the money, and the raise that we keep on talking about, we didn't ask for the raise. I, like Commissioner McMasters, will give any raise that I receive to the charity of my choice, and I'm certainly not dependent on the money, and I just want people to know that. And, again, I think this Commission certainly should not be confused with a finished product. We've got a ways —, there's always room for improvement, but, you know, I can remember this Commission 10, 15 years ago when there were times when —, and the historian down there might be able to verify that, where you almost come to blows on this, and they weren't mean and evil people. They were people that were passionate about what they believed in, and so I think that nothing has changed. There's certainly room for improvement for this Commission. Obviously, we need to respect each other, and I think for the most part we do, and we need to respect the good work that staff does on a day-to-day basis. We need to respect and appreciate the excellent job that the County employees do, and at some point in time I really, truly don't believe that we're always going to have red ink in our budget. At some point in time we're going to turn this around, and the first time that we have any extra money, it should go to the employees because they should be well compensated for the work that they do. Thank you.

Chairman Hair said, thank you. The final comment that I'll make is the six years that I've been on the Commission, I'm probably as proud in the last hour as any time I've been here, and think that it was a discussion that needed to be had, and I appreciate the comments of all the Commissioners.

ACTION OF THE BOARD:

Received as information.

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- 2. REBIDDING FLEET MAINTENANCE (COMMISSIONER RAYNO). *Postponed from August 23, 2002, meeting.***

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, ever since I put this on the agenda I've had calls from various companies saying that they can beat what we're currently doing for 10 to 15%. They're professionals in the field that work with municipalities that surround us, not only in this State, but in Florida and other states as well. The last time a big conference –, this is third-party information, but the last time a big conference was held here in Savannah it was held on St. Patrick's Day at nine o'clock in this building. How hard do you think it was for the people to find a hotel, what about parking to get here? They claim in their opinion it was a put-up job, and I think we should rebid it for a cheaper price, and if it causes our Fleet Maintenance to come in and bid and become more competitive, I think that's a good thing.

Chairman Hair asked, have we already awarded a contract to the previous bidder? County Manager Abolt said, no, sir, I do not –. No, sir, we have not and I –. Chairman Hair asked, Mr. Hart, are there any legal issues to rebid this or not? County Manager Abolt said, no, it's not. My understanding is that it has not been bid. Again, I don't want to interpret what Commissioner Rayno has said –. Chairman Hair said, why does it say rebid on here if it's not been bid? You said –, it must have been bid because you said the meeting was on St. Patrick's Day.

Commissioner Rayno said, well, I want to rebid it. I –. County Manager Abolt said, you want to bid it? Commissioner Rayno said, yes. Chairman Hair said, but it's never been bid. County Manager Abolt said, he's very articulate. I believe what he's saying is he wishes you would make a decision that staff be instructed to advertise bidding out Fleet Maintenance. I think that's what he's saying. Commissioner Rayno said, yes. Chairman Hair said, so this is incorrect as it is on here. It's not a rebidding. Commissioner Rayno said, fine. It was a technical error on my part. The benefits also of doing it would be the fact that you –. Chairman Hair said, we don't need a motion on that. Does anyone object to that? Okay, fine.

ACTION OF THE BOARD:

By consensus, the Board instructed staff to advertise bidding out Fleet Maintenance.

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3. PRESENTATION (15 MINUTES) FROM SANDFLY BETTERMENT ASSOCIATION AND SAVE OUR SANDFLY (COMMISSIONER MCMASTERS).

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Dr. Hair. I have spent a considerable amount of time trying to learn more about the far southern end of District Three and one of the more topical issues is the effects to the community of Sandfly, and there are some representatives here from my district that I would like to have come forward and make a brief presentation to my fellow Commissioners.

Chairman Hair said, you have it on here for 15 minutes. Is that right? Commissioner McMasters said, yes, sir, that's correct. Chairman Hair said, okay. Who's going to be representing the –, I guess you've got two groups here, Sandfly Betterment Association and Save Our Sandfly.

Mr. Herbert Kemp said, my name is Herbert Kemp and I'm with the Sandfly Betterment Association, and I am here this morning to clear up some boundary disputes that we have or misconceptions. The people that aren't familiar with Sandfly, it's a community that carries a –, carries weight, and I'm here today to tell you that Sandfly is important. We meet with –, we met with Jack Kingston's office, Burke Day and several Commissioners and MPC members to help them understand our plight. Sandfly is a hidden gem in the Historic Savannah community. The Sandfly community has existed for –, since the late 1700's. Sandfly boundaries, despite what is written in the [inaudible] and Shadows books saying that the boundaries were only at the Skidaway Road, east and south side; however, they contradicted themselves by saying that the footpath led from Skidaway Road into the outlying areas under the tall pine trees and majestic oaks, which gives a wide variety of boundaries for the area. Sandfly boundaries are bigger than most people thing. Montgomery Crossroad and Sallie Mood Drive to Skidaway Road, north to Eisenhower at Skidaway and south to Norwood and Ferguson Avenue. Within those boundaries are historical cemeteries, historical churches, historical beginnings of original residence, who came from Wormsloe and Isle of Hope and Modena Plantation. Most importantly, the Sandfly community is family, neighbors, knowing their neighbors. Neighbors know the small business owners that make up Sandfly's small and friendly commercial district. Places of worship within walking distance surround the diverse community's and beautiful open spaces. The MPC Tricentennial Meeting, we were represent –, we heard respected representatives from the City throughout Chatham County echoing the residents of Sandfly, who the area –, have said for years residents wanted responsible growth that enhanced the community and the quality of life. In August, Sandfly residents and other commercial citizens –, concerned citizens, sorry, met the Georgia Conservancy at a Blueprint for a Successful Community Workshop in the effort to chart the vision for responsible growth plans for the community. Unfortunately, the special community has been hit hard in recent years. The widening of Montgomery Crossroad, New Guinea Cemetery gave up 33 graves to be relocated for progress. The path of progress associated with Truman Parkway forced relocation of families. One eagle's family stopped progress. Eleven black families could not. They were dislocated from Thomas Avenue. Unfortunately, this community has been hit. Due to conflicting interpretations

of zoning standards and other issues, Sandfly is now threatened again, with the biggest threat of its major –, with a major commercial center. We faced a similar threat two years ago, but successfully pleaded our case and it went away. This type of development hurts surrounding areas like Mayfair, Maycrest, Heatherwood, Isle of Hope, Wormsloe, and other areas. Such a major development, combined with the increasing traffic for the proposed Truman Parkway exchange ramp, will create landlock nightmares for the area. The area in Sandfly that is threatened by major commercial development is zoned for PUD district. Haven't we learned from our fathers in the planning for Savannah? How do you as Commissioners want to be remembered? As forward-thinking leaders or –, with great vision, or will you be shortsighted only looking at short term promises for false, economic developments –, developments that will destroy a community's character? We elect [sic] you because we saw you as leaders. Today I'm asking you to be a leader, to be strong, to do the right thing. Work with us to envision and propose responsible growth, a growth with a positive impact on our community. Thank you.

Chairman Hair said, thank you, sir.

Mr. Alexander S. Luten, Sr., said, to Commissioner Hair, other Commissioners, I'm Alexander S. Luten, Sr. I was born and reared on Sandfly, one of the original family members in the Luten historical district, educated in Chatham County, and colleges outside of Savannah. I came back to Savannah after teaching four years in Burke County to give of my service and to help my community and the neighboring communities. It is a struggle seemingly that we are caught up into the situation that we are, but we are here today to ask you, as the Commission, to help us, to listen to us as we speak. I'm speaking now in behalf of Save our Sandfly and the Truman Parkway project. The Sandfly community is a special place, rich in proud history. Sandfly is trying to preserve what it has. Unfortunately, Sandfly has been hit hard in recent years. Over the years we've lost a part of our community and a part of our heritage to what some would call progress. The widening of Montgomery Crossroad forced the relocation of one of our cemeteries, as afore mentioned, forced several families to leave ancestral homes. More recently, the Truman Parkway has forced more families to leave. Right now we are faced with yet another threat to our community's future. The proposed exchange ramp for the Truman Parkway, which will virtually slice what's left of Sandfly in half. I have here an exhibit of one family that has been misplaced. This is a gentleman that came to Sandfly by way of Thomas Avenue to live, met his wife and there was an article in the paper, The Atlanta Constitution, where he stated he came and he liked the people, he loved the place. He was relocated. He purchased a home in the City and came back to Sandfly to live in situations that I wouldn't want and you wouldn't want to either. This is a reflection of what we have to deal with. We love our place, we love our people, he said. He says right now I have no friends where I am, I have to live like this because I want to come back to Sandfly. We never had a chance to talk about the Parkway plans, we never had input as to how it would impact our community, yet still we have this project to continue for leg four, ending at Whitfield Avenue. Cars will impact the Sandfly community greatly. At this time in the evening around 5:30, 6:00, Skidaway and Montgomery Crossroad are crowded. You have to wait even with the light. We understand the growth that is needed for progress, we also understand the needs for listening to concerns of citizens and private land owners for preserving the integrity and the character of neighborhoods. It is no secret that the addition of this ramp on Montgomery Crossroad is related to what looks like a manipulation of the zoning standards to accommodate major commercial centers that violates the integrity and character of Sandfly and areas like Isle of Hope, Wormsloe, Mayfair, and other areas. I don't think the negative impact of this ramp has been fully investigated. Before it is too late step back and take a closer look. Give us, the neighboring areas, a chance to provide real input, the input that so far has not been heard. The community asks that as of today and when we go before the MPC, we are asking your support and whatever standards or whatever measures that you see fit to see that Sandfly does not lose any of its identify, which includes the quality of life for our people in Sandfly and neighboring communities. Thank you.

Chairman Hair said, thank you, Mr. Luten. All right, Commissioner Odell has a question.

Commissioner Odell said, good morning, Mr. Luten. Mr. Luten said, good morning, sir. Point of clarification. When you asked that we should be leaders, what exactly are you asking us. Mr. Luten said, we're asking that you help us to help ourselves in the leadership, what is good for the community, how it would affect or impact the communities and neighboring communities in the area. Commissioner Odell said, I –. Mr. Luten said, now let me finish, please sir. We don't expect for you to take the leading role in this. We are leaders. We know how to lead, but we are asking the support and whatever decision-making process for what is good for Sandfly and the other areas. Commissioner Odell said, let me dice it a little thinner. Are you asking that the ramp not be permitted off of the Truman Parkway except that one on Eisenhower? Mr. Luten said, right. Commissioner Odell said, okay. Mr. Luten said, this empties additional traffic into Montgomery Crossroad.

Chairman Hair said, thank you, Mr. Luten. Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, I have one question. Chairman Hair said, certainly. Commissioner Thomas said, it is my understanding that there were no dialogue from Walmart with the people of Sandfly. Is that correct or is this not correct? Mr. Luten said, none at all, none at all. We were told that Walmart will build, as we've been told in another situation, and that we have had no representation from the Betterment Association nor Save Our Sandfly. None at all.

Chairman Hair said, thank you, Mr. Luten. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I just want to sympathize first with the residents of Sandfly, but I want to pretty much forewarn the Commission of something I believe they pretty much know or should know is that this is a land use issue, and I believe –, I don't believe, I know that we have zero authority to act in any way whatsoever, and by taking any type action on this, we're going to open up Chatham County to one major lawsuit that we will lose because this is simply a land use issue, and I want to also ask a couple of questions. Does anyone know how long the exits have been planned off the Parkway into the Sandfly area? Chairman Hair said, there's a letter from USDOT that says it's something like '98 or something, or '96 –. An unidentified person said, four years. Chairman Hair said, at least. Commissioner Kicklighter said, four years.

Commissioner Murray said, I got a letter –, if I could go ahead and comment. Is everybody through? Chairman Hair said, yeah, that takes care –. Commissioner Murray said, we all should have probably received this letter last night in our packets. It's from the U. S. Department of Transportation, it's addressed to Michael Dillon, LeRoy Maxwell, Gwen McGee, James Miller, Wake Drive, Savannah, Georgia, and basically what it's saying is the Department of Transportation has denied the request to withdraw that and said that this project with those exit and ramps going on and off of Truman Parkway at that location will go forward. They will not stop it basically, so I don't know of anything we can do towards that, but I just wanted to put that in, but I would like to make some comments after that because I think there are some things on the zoning side that pertain to Chatham County and what we can and can't do.

Chairman Hair said, Commissioner Kicklighter, [inaudible] please.

Commissioner Kicklighter said, thank you. How long –, one comment was that it appears that someone has manipulated the zoning for big business. Do we know how long this particular area has been zoned like it's currently zoned? County Attorney Hart said, in the early 80's. Commissioner Kicklighter said, early 80's. So if there's been any manipulation of zoning, it was done 20-something years ago. So, I'll assure you no one here –, I wasn't even in high school in the early 80's so, you know, no one here manipulated anything because all I cared about was running a football back in the early 80's, so I want to just make that clear. This zone has been in place and no one here did anything to zone that, and the only one that possibly was around would have been Joe [Rivers] because he's been here about 50 years, Commissioner Rivers. Anyhow, I'd also –, I'd like to almost –, well, I'd like to send out a possible warning, too, to the resident in Sandfly what could possibly happen from my experience out in Garden City. Years back the Westside came up with a great idea of having a Westside Hospital. They zoned a huge tract of land commercial for a Westside Hospital. The plans fell apart and, for whatever reasons, the government, they wasn't thinking at the time, they didn't rezone the land, and after a while there a waste transfer facility eventually wanted to locate there against everyone in the town. No one wanted it there because it was basically a dump inside doors, and everyone opposed it, but legally that council could not oppose it because it was zoned that way. And I guess what my warning would be was be careful what you wish for because the first one y'all did a great job discouraging 'em, the second one you may discourage 'em, but I asked out of curiosity what the current zoning –, what can be allowed in this zone, and y'all probably know, but I want to read off a few things that could go in there if Walmart chooses not to go. There could be a telephone exchange, gas and electrical regulator stations, there could also be a private sewage treatment facility located on that land, restaurants which serve alcoholic beverages, malt beer or wine by the drink, drive-in restaurants provided such use may serve alcoholic beverages, automobile service stations including automobile washeterias [phonetic], the sale of beer and wine by package when incidental to other principal retail –. Commissioner Murray said, they've already said Newton's Package Store is already on the corner though. Commissioner Kicklighter said, well, there could be gasoline diesel fuel as a principal or secondary use, cocktail lounges, nightclubs, taverns and package stores, automobile parking lots or parking garage, taxi stands, retail automobile parts, entire stores, self-storage mini warehouses can located in that zone the way it's currently zoned, work development projects, hotel or apartment hotel could go there, a motel, resort hotel, utility and recreational trailer rentals. There also could be a carnival or rodeo or horse show, race tracks, fair, shooting or athletic event, community or other event of public interest. There could be –. Commissioner McMasters said, this is bordering on disrespectful. Commissioner Kicklighter said, no, I'm actually telling them what could happen on this land. Fortune telling and, this would worry me, medical, dental, optical or environmental laboratories. Medical laboratories could go in that area and –. Commissioner McMasters said, [inaudible] beyond. Commissioner Kicklighter said, and I disagree. You said being disrespectful, it's a warning, it could happen. Walmart could be discouraged and then one of these wants to come in legally, no one has the right to turn it away unless you want to get sued and lose all the taxpayers money in Chatham County and there's going to be a disaster area could possible go in there besides a nice store.

Mr. Chester Dunham [phonetic] said, Commissioner Hair, good morning, I'm happy just to be here to listen, and the other Commissioners. I'm here this morning –. Chairman Hair said, state your name for the record. Mr. Dunham said, Chester Dunham, and I'm here this morning speaking from the A. Phillip Randolph Institute, which is a national organization, but we have a local chapter here today. I'm talking in terms of local, the people who live in Chatham County and Savannah because this is what we are talking about now. Sandfly is a part of all of us because what's happened in Sandfly could happen in any other community in which we live, and the citizens there who live in those community, if they think there's some problems somewhere, then they're supposed to come forward and talk about it. This is what they are doing now. So the A. Phillip Randolph Institute locally are going on record as supporting in whatever way we can. We understand that it's certain things can be done and certain things cannot be done. They know that. They got some experts who are working along with them. They're not just out here by themselves. They've got a lot of supporters, black and white. Aside from that, we have a lot of authorization coming aboard now, including religious leaders, community leaders, so it's not just Sandfly by themselves, and this is a part of all of us because Sandfly could be all of us. It's our community and we want to do what's best, and as they said, I think on Tuesday or what have you is another

meeting and from there on they're going to go forward and move in whatever direction they can so far –, they're not going to lie down and roll over and play dead on this situation. We understand that all the other land owners and the type of businesses can come in and what have you, but I just wanted to go on record and just to let you know that we are working with them one hundred percent. Commissioner McMasters said, thank you. Mr. Dunham said, thank you.

Chairman Hair said, thank you, Mr. Dunham. Commissioner Kicklighter asked, may I finish, Mr. Chairman? Chairman Hair said, yes, sir.

Commissioner Kicklighter said, I just want to state that, you know, I basically I just wanted to warn us that if we get involved, we're opening up ourselves for a huge lawsuit and we will lose and we'll be doing an injustice to all of the taxpayers in Chatham County, and that includes the homeowners in Sandfly that would have to pay higher taxes to cover the lawsuit. It's something that we legally cannot get involved in.

Chairman Hair said, thank you. Yes, sir, state your name for the record.

Mr. Ty Harding said, yes, sir, my name's Ty Harding. I'm one of Mr. Rivers' constituents. I'm not totally positive about this, gentlemen. It's been brought up to me that the PUD planning can't be met by just a single building. That's neither here nor there. The community of Sandfly actually predates the State of Georgia and the United States of America. The people who live there certainly deserve a lot better deal than they're getting from us. As to whether or not the planning's been place for 20 years or not, they were not aware of this. They were not aware of the dangers that they were under. The historic landmark district itself has an application in process which protects. I've been assured by the State DNR that they will not sign off on environmental plans because of this and that would, in fact, prohibit the State DOT from providing funds, either State or Federal. There's also the matter of the Civil Rights Act of 1965 and the terms in there dealing with environmental justice. Thank you.

Chairman Hair said, thank you. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, when Mr. Luten was speaking, he was talking about an article that was in The Atlanta Journal. This is a copy of that article. I just received it in a thing that was addressed to me and it was misaddressed and somebody gave it to me a minute ago, so I do have a copy of that article. I guess the issue that I would like to speak on really was raised back when Target was trying to go on this same site, and one person that lives in the district that I represent brought to our attention an ordinance that the County has had in place for years, and that ordinance basically states that if a piece of property has been rezoned and no development has taken place on that property for two years, it's up to the Zoning Administrator then to go back and look at that property and bring it back to the County Commission to see whether we would drop it back to its original zoning or leave it in place at what it's zoned for now. We debated this a while back with MPC, with the County staff and this Commission and the vote was to keep that ordinance intact and move forward and implement and administer the ordinance. I have asked about that piece of property and another piece of property in the unincorporated area. I still have not gotten an answer other than it's looking at MPC, and nobody seems to know when it was zoned. Now I find that hard to believe. We just had discussion today it was zoned back in the 80's, so that piece of property, in my opinion, should be under that same ordinance that the County has, and I want to know why we haven't enforced it, and that's not being disrespectful. I just want an answer.

Commissioner Rivers said, Madam Chair. Vice Chairman Thomas recognized Commissioner Rivers. Commissioner Rivers asked, Russ [Abolt], do we have that information available or, Jon [Hart], do we have that information available? County Manager Abolt said, what we've done, and Commissioner Murray has summarized the occasion as far as what led to a very heated discussion, I believe it was Ms. McKee that brought to the previous –, the Board's attention when the Target issue was being addressed, the fact that there was this ordinance, and we candidly admitted, I think it was in the mid-80's it was adopted, that it was not being enforced. The County Commission at that time was divided as to whether or not you wanted to proceed with that. You referred it to MPC and, as Commissioner Murray said, there was very anxious discussion by the MPC. MPC came back to you and recommended that you, in effect, eliminate that section of the ordinance. The Board divided said, no, you want to keep it. We are about administering that now. Coincidentally, and it's purely coincidental, but on your agenda today you have your first report, which will be now every six months, on zoning matters that are 24 months old. The legal problem that we have and Mr. Hart has attempted to analyze, as well as Mr. Newton, is what about all those older than two years ago, and that's the quagmire that we're in right now. Mr. Hart has recommended and Mr. Newton is following up that the consultant now working on the land use plan be asked to give advice as to the legal appropriateness and the best way in which to handle all of these, many of whom might be unknown, so that there's in effect equal protection under the law.

Commissioner Rivers said, let me ask one other question. Jon [Hart], where do we stand with this particular issue here as Sandfly, the 52 acres out there, where do we stand? County Attorney Hart said, back in October of last year, when this thing came up, I gave a rather extensive memorandum to this Commission outlining the options under that particular provision of the ordinance. I also made some recommendations concerning things that could or may be done in lieu of that. The Commission decided that it wished to stick with that ordinance as written. I will be more than happy to speak to the Commission concerning its options under the land use plan, but if we are to do so, I would highly recommend that we do that insofar as Executive Session from the standpoint that there are a broad variety of issues here, many of which and the public has the right to take whatever views they so choose, but I think ultimately you need to be aware of what your legal limitations are and your legal liabilities are. But I'll be glad to discuss that with you. Commissioner Rivers said,

with that, Madam Chair, I would like for us to add that to the agenda of the Executive Session when we go into Executive Session to discuss that.

Vice Chairman Thomas said, okay. Okay, Commissioner Rayno and then Youth Commissioner Haley Stone.

Commissioner Rayno said, thank you, Madam Chair. Having been a resident of Sandfly for five years, I left there I guess it was '92, so I'm also a member of the Montgomery House, so I have a close association with Pinpoint and Sandfly, I was pro-Target before because, you know, you leave Savannah, you go to Miami, they had upscale properties, and even if they were old, I found them to be well-maintained and they attracted people to that area to shop there. But Walmart's a different situation, it's a different animal. You're not attracting people from other areas to come shop to bring more revenue into Chatham County, you're merely shutting down one store and shifting it within the County to another area because they found out through their research and demographics that they can make a chunk of money there for five years, and when they've made their money, they'll just shift to another zip code and then they leave you urban blight, an empty store that becomes bugs or something else, a furniture super store, garbage. That's not being a good neighbor and that's not what I believe that to do in the First District. I want it to grow, I want progress, but I want it to be a planned progress that's got some class. That's not saying that Walmart doesn't have class, but you start looking around at their properties and you'll see garbage flying around and it's just not quite the same as Target, and I was touched by the many stories that I heard at the Speedwell Church a few weeks ago. People that are still living in that community that I left back in 1992. As I told the reverend that night, I had a change of heart based on what I heard, and the fact that we haven't revisited that property, the County once again has been negligent in its duties to uphold the zoning and follow its own rules and act like, well, we do now. It's time to follow the rules, it's time to do the right thing, it's time to listen to the community. I was elected to represent the people, and I'm being told by neighborhoods that are in my district, we don't want it because it's not right. Now that's not to say in the future if somebody else comes along with another development that I'm going to be with you, but I want it to be responsible. And also I want you to keep an open mind if Walmart does come through and they sue us, as Commissioner Kicklighter has said, that perhaps there should be room for compromise on both sides, that Walmart bends a little and you bend a little and you get –, you might not both be happy, but at least you've got something you can live with. That happened out on Wilmington Island where the Wendy's went in and there was a land easement. Not everybody was happy, but it's not as bad as it could have been. And so, I hope through the process that we can do that, and I want you to know that on this issue of the Walmart I'm with you, but in the future if it's another thing and what not, I might not be. I can guarantee you if it's a liquor establishment I won't be –, I won't be for it. I can guarantee you if it's another attempt to put another Classy Kats or something like that in there, I'll be against it, and I'll be with you. We just have to take it step by step.

Vice Chairman Thomas said, thank you, Commissioner Rayno. Vice Chairman Thomas recognized Youth Commissioner Stone.

Youth Commissioner Haley Stone said, I'm trying to understand this better. I know that there are many things that goes along with this subject, and I realize that it is important for zoning and, you know, different –, Walmart, for example, and such, for the growth of the City, but I think that it is important to remember that Savannah is not only famous for Bay Street and River Street and the many squares, but also for the small historical districts throughout the County. So I personally think that it is very important to preserve the area as much as possible.

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters asked, may I defer to the presentation, and then I'll make some comments? Vice Chairman Thomas said, okay.

Ms. Gwen McKee said, thank you. I appreciate all the discussion so far and y'all extending the 15-minute limit. Thank you very much. I'll try to be brief and stick to my comments. Vice Chairman Thomas said, please state your name. Ms. McKee said, my name is Gwen McKee and I'm an Isle of Hope resident, who is very concerned about what is happening on Montgomery Crossroad. You have heard from Sandfly residents, and I have made some friends for life as we have sought for ways to protect Sandfly, her churches and the families who live here. These are people you don't usually read about in the paper. They pay their taxes, they vote, they value a college education, they educate their children, they work steady jobs, they attend and support their churches. You can't create a community like this, but you can destroy it, or you can protect and value it. The threat to Sandfly is not just a Target or a Walmart, it is the threat of being overrun by commercial development. Already besides the obvious desires of Walmart to locate here, residents and churches have been approached by realtors wanting to buy their property. One realtor even had a drawing showing a strip mall where a resident's current home is located. These new property owners will seek rezoning from residential to commercial and another piece of Sandfly will be gone. Piece by piece it will disappear along with the people, the strong community values and the history. Some have said, "What is there left to lose?" Residents of this community can speak passionately about what they stand to lose. Unfortunately, James Miller and Leroy Maxwell both had to be out of town today and they could not share their stories with you, but they are stories that deserve protection, and there are many other residents who wished to be here today, but because they have jobs they couldn't be with us. At the only public meeting at Speedwell Methodist Church hosted by the MPC over a year ago, the attorney for the land owners made explanation for the then-proposed Target. He said if it weren't for the Truman Parkway and the on/off ramp, we would not be here today asking for this development, but the parkway is coming, he said, so you might as well accept it. Well, residents of Sandfly have found that they gave land for the widening of Montgomery Crossroad and then they

gave land for the Truman Parkway, but now the on/off ramp seems to be spelling the end of their community. It has taken years to plan the Truman Parkway and yet there seems to have been only one public meeting for Sandfly, Isle of Hope and Mayfair residents, as well as others, to attend. This occurred in 1995. I remember attending this meeting at the St. James Church. I expressed my concerns, but I do not remember receiving any feedback, nor do I remember any other public meetings held in our area. The Environmental Impact Statement completed in '97-'98 does not have any mention of Sandfly as a community. There is no recognition or acknowledgment of the impact that this on/off ramp might have on this community. We have been in touch with the Federal Highway Administration, we received its letter, as well as with Congressman Kingston's office and with Representative Burke Day. They have all suggested that we come to you recognizing that these ramps have not yet been built. It is never too late to change a road plan even –, as we learned at the specially-held MPC planning meeting on Tuesday night –, even after the road has been built. But this road has not been built. We are not asking you to halt the Truman Parkway. We are asking you to consider deleting these on/off ramps on Montgomery Crossroad. Give us time to look at the traffic numbers, to examine what money can be saved, to examine how this would benefit the Sandfly community, and to determine the affect on the other roadways. There are precedents for this action. The Skidaway Road widening was altered after two public meetings at Speedwell Church last Fall. An historical study on Sandfly was conducted that determined that the road project would negatively impact several areas eligible for the National Historic Register. There has been no study done for Sandfly under similar impact of the Truman on/off ramps. The Freedom Parkway in Atlanta has been shelved by Georgia DOT because of the outcry of the public opposed to this parkway. Right-of-way purchases had already occurred and planning had been completed; construction had begun. It is not too late.

Ms. McKee said, I make three requests. Allow time for the studies to be done, be willing to reconsider this on/off ramp, halt construction at Montgomery Crossroad on the Truman Parkway until this information has been gathered and compiled. Secondly, the County Commission should require someone familiar with NEPA, which is the National Environmental Policy Act, to review the EIS, the Environmental Impact Statement, for the Truman Parkway. Is this an adequate EIS? Mr. Hart is the County Attorney familiar with County and local laws, but there is also a whole body of laws which relate to Federal law and administrative procedures. I would like to recommend Bill Busby, who is the Professor of Law at Emory University, who is the nation's best expert in administrative law and the NEPA analysis and review. And, thirdly, I'd like to ask that you please consider hosting at least one or two public meetings on these ramps –, these on/off ramps at this location. Please be willing to hear from the people on this issue. In closing, I'd like to read from two CUTS reports. One is the 1998 annual report and it reads, as it discusses the Truman Parkway, it's this one right here: Congestion relief is expect on DeRenne Avenue, Skidaway Road, Waters Avenue, Eisenhower Drive and Montgomery Crossroad. I do not believe there will be any congestion relief on Montgomery Crossroad. I think there will be increased congestion. And, secondly, from the brand new 2001 annual report published by CUTS, it says transportation planners work on getting people to and from their destinations safely and in a timely manner, but in a way that preserves our communities and keeps our air and water clean, and if indeed transportation is about preserving communities, it would seem that nothing else needs to be said. This is the measuring rod. Thank you for your time.

Chairman Hair said, thank you. Commissioner Rivers said, Mr. Chair. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, yes. This gentleman ought to be the last speaker, I think, for the group. Can we just get that done and then we'll finish our comments.

Chairman Hair asked, are you the last speaker sir. Mr. Donald Stack said, I am. Commissioner Rivers said, I just have a question, Mr. Chair. Chairman Hair asked, is it [inaudible] question or –? Commissioner Rivers said, yeah, it's –. Chairman Hair asked, a question of the lady that was speaking? Commissioner Rivers said, yeah, it's something she said that I want to get out –, okay. I don't have a question of you, it's something you said that you made a statement. Russ [Abolt], do we have the engineers here? Can I get a copy –, she said there was only one public hearing, and I would like to have all the information pertaining to the Truman –. County Manager Abolt said, we did send a letter to you as soon as we received it, I believe it was in your packet last night, from the Federal Highway Administration where they, in effect, reviewed, I guess, much of the substance of what you've heard and they made the determination the project will continue. Certainly the project and the construction itself was let by the Department of Transportation, this County acquired right-of-way, but GDOT and GDOT Board are managing the contract. I'll get whatever you need, sir. Commissioner Rivers said, yeah, I just need copies of that. Jon [Hart], how much leverage do we have in the holding the project or at least looking at it if we haven't been afforded all of the opportunity for public input into the on and off ramps, what kind of leverage do we have to see that that's done or how can –. County Attorney Hart said, it's a GDOT project. We required the right-of-way. The contract's been let, and, you know, we've been doing that Environmental Impact Statement now for seven or eight or nine years. We've been through three or four revisions. The document couldn't fit on this table here, and I don't think we have any leverage to be honest with you.

Commissioner McMasters said, but these are –, the people that are appearing before us are reporting their experience, which has been precious little public input. Now can you document that they have had ample opportunity that all the legal notices that were required were fulfilled? County Attorney Hart said, we –. Chairman Hair said, let me answer that. I think that he's not the appropriate person to ask. I mean, because he didn't –, we didn't do the process. That question needs to be addressed to the Department of Transportation –. Commissioner McMasters said, okay, let me ask –. Chairman Hair said, – because that was their responsibility. Commissioner McMasters asked, is this the same request that Russ [sic] has made of the County Manager?

Commissioner Rivers said, but norm –, normally, normally we do set up those public hearings because I can remember attending several of those public hearings where our Engineering Department and the GDOT people and the Department of Transportation has been there, and –. Chairman Hair said, that letter you have in front of you, Commissioner Rivers, it lists the public hearings, where they were held, the output of the public hearings, it actually lists the dates and times and all of that of the public hearings. That's from the Department of Transportation.

Chairman Hair said, continue, sir –, or start.

Mr. Donald Stack said, good morning. My name is Donald Stack, S-T-A-C-K. I'm counsel for Save our Sandfly. I'll make this very quick, only because of a couple of observations Mr. Kicklighter and others have made. The last few days you've received at least two, possibly three, letters from me which address the very issues that we are talking about today. Commissioner Rivers has –, Murray –, has talked about Section 11.3 of the ordinance and the failure to address whether or not the zoning is proper, and just to set the record straight, Mr. Kicklighter, this was rezoned in 1989, and to this day it has never been reevaluated pursuant to Section 11.3, so from that perspective that clearly is an outstanding issue that we believe this Commission needs to address. Secondly, Ms. McKee has indicated to you the precedent that is established for evaluating a construction project in the course of construction. I would ask this Commission to do exactly what she had suggested, which is talk to some folks who have expertise in this area. It's worth a phone call to Professor Busby at Emory University, who'll be certainly willing to talk to the entire Commission and/or Mr. Hart and share his expertise in that area. The third thing and most importantly is do you have any leverage, do you have any authority, and that was a question that was asked of Mr. Hart. I'll have to beg to differ with him. You do, in fact, have the leverage to do this. I have sent to you a letter dated September 12th in which I set forth the United States Supreme Court has indicated that you have the authority, you have the right and the authority to establish a temporary moratorium upon zoning actions and upon land use issues in order to evaluate the very issue that we're talking about here today. I would suggest that it's appropriate, given the questions that have been raised, that you take time. There's no rush to the future here, and I understand that Walmart wants to get in and I understand that Target wanted to get in, and I understand that there is the sense of immediacy and urgency, but it's not. When you're talking about a community that's been around for 200 years, when you're talking about the future of this community, what is the sense of urgency? I would suggest that you consider your legal ability to enact a moratorium and you take the time to evaluate whether in fact the NEPA analysis has been done properly and take the time to evaluate whether or not the Federal Highway Administration has to revisit the exit ramps, you take the time to hear from the community, you take the time to address the concerns that have been raised. And that would be simply what I would suggest. As I say, I would refer all of you to the United States Supreme Court decision in the Lake Tahoe case, 122 S.Ct. 1465. I think you all received copies of my letter. If you have not, I have copies here for you and I'll be happy to provide the decision to Mr. Hart also. Thank you.

Chairman Hair said, thank you, sir. How many more people do we have that want to speak? Three, four, five, okay. All right. I just wanted –, six, okay.

Rev. Earl Jenkins said, Mr. Chairman, Commissioners, I'm Earl Jenkins, Pastor of Speedwell United Methodist Church. I'm not a politician, I have no political interest, I have no economic aspirations for the community. I'm a pastor as long as my bishop sees fit to keep me there. My only concern is for what is right, what is fair and what will preserve the community that my church serves. It is not right for my community to have to bear an unjust burden to enrich several individuals that own property in that area. I say this because one of the property owners stood in my office in 1999 and told me categorically that Target would not be built or no commercial development would ever occur in his neighborhood, and at that point I said, "Well, why should my neighborhood have to bear a commercial development when you will not allow it to happen in your neighborhood." It's not right for my neighborhood to have to bear what someone else who stands to profit would not allow to happen in his neighborhood. It isn't fair, and you don't have to be fair, but it isn't fair for our people to be taken advantage of in this situation so that other individuals, not in that community, but other individuals can be enriched perhaps even more than they deserve. Now, I don't know what they deserve to be enriched by, but it's not fair for our people to be pushed out so that other individuals can profit. We want to preserve our community because we are there, and I've heard individuals make statements like, well, everybody has a right to do what he wants to do with his property. Well, that's not true. You pass laws that limit an individual's use of their property. I can't build a liquor store on the adjacent property behind my church, if I wanted to do that, which I don't. You pass laws to regular property use, and I don't have categorically the right to use my property any way I desire, and when someone makes that statement, considering the fact that they've also told me personally –, and I can give you the individual's name if you want to know his name –, but he would not allow this type of development to occur where he lives. But I have to bear that burden because of some unstated reason. I could use my imagination, but I don't want to do that. I just want to appeal to you, whatever your legal constraints may be, to be supportive of the people who live in Sandfly. I can't tell you how to vote or what your legal obligations are. You know those, and we trust as the elected officials of this County and those individuals that represent us –, I'm been a democrat a long time, I guess if I could say that, but I have voted republican and I have supported republicans, not because of the party but because of the individual. When you sit before us and make decisions for us, I hope you'll make decisions for individuals who have less voice, such as those of us that are in Sandfly. We don't have the resources of individuals that live in communities that will not allow commercial development, and the only way that we can have our issues and concerns addressed is that you give a sympathetic listening ear to our appeal and also, if at all possible, be supportive of our concerns because with the adding of this ramp on Montgomery Crossroad, Sandfly will cease to be, and we all know what has happened historically with black communities, Sapelo Island, there are a few blacks there, but [inaudible] gone. You heard of other areas, Dutch Island. I can't even buy a house on Dutch Island, and there are others, over and over and over again. This

is our last chance, and we ask you to be considerate. We don't want to have anyone unjustly pay a penalty so that we would be preserved, but we are interested in our preservation, and you are our last hope. If you take the side of individual that is going to make a little more money, then we lose. But we appeal to you for your sense of right, a sense of fairness, a sense of justice, or a sense of preserving something that you benefit from, believe it or not. Please give us your sympathetic ear, give us your compassion and concern, and also whatever you are able to do, whether it's legal or whether —, I don't want you to do anything illegal, but whether it's through proper legal channels or not, if you have influence with someone to say let's stop this thing, let's look at it, let's consider it, let's study it a little carefully, and let's not rush into it, let's give it time so that we can study so that we can weigh out all of the components, all the elements of it and make a decision that's going to benefit and preserve our community.

Chairman Hair said, Commissioner Kicklighter has a comment relative to your statement.

Commissioner Kicklighter said, I've got a comment. I hope it's understood and taken the right way, but I've heard the statement several times about a —, being a black community, and I would hope that this group has the compassion to do zoning or uphold zoning laws for people, no matter what your color is, and I've heard this statement several times, the black community and the black community. I want to state, and I'm sorry, I sympathize because I can tell y'all are hurting, but I'm —, I guess, being from the Westside where I watched an entire City of Port Wentworth come out to the Commission opposing a dump going in there and the Commission in the past, the previous Commission, they allowed the dump, and the entire City was there, and they allowed it because they upheld the zoning laws. And I would hope that does not make a difference with anyone because people standing up here saying the black community, and because it was a bunch of white folks in Port Wentworth that that makes a difference. I guess I don't understand the fight against a Walmart because on the Westside we fight against dumps coming in that we lose. I mean, we on the Westside would love to have a Walmart. Those people in Port Wentworth would love a Walmart sitting where that dump's sitting, and, you know, I just want you to know, sir, I'm going to —, if it comes to some type of vote, it's not going to be because you're black or because you're white, I'll vote for people no matter what your color is, and that issue of color is not going to be involved in it as far as I'm concerned, and I would —, I'm basically —, I guess I'm insulted because it's not a black/white issue. It's a zoning issue, and color to me just does not come into play on this. And I just wanted to respond to that, that, you know —. Rev. Jenkins said, well, I have some strong racial issues that I would just love to say, but I don't think they would be appropriate, and so I won't, but I would not try to polarize this issue by saying it is a black and white. It isn't a black and white issue, there are white. As a matter of fact, we have white members at Speedwell, so it's not a black and white, as I would see it right now, but the impact of wiping out a community that is historically black is significant, whether we weigh that issue or not, and the fact that it seems like black property is valued less than white property and the fact that the owners of this other property is white rather than black, and those individuals who stand to gain economically tend to be white rather than black, now that suggests something other than perhaps what you are interested in voting on now. Those individuals who will benefit from this are not black, they are white. Blacks, on the other hand, will be unfortunately dispossessed. Now whether you say it's a black and white issue, I don't want to say that, but those individuals who'll profit will be white; those individuals who will be dispossessed are black.

Commissioner Kicklighter said, I agree with you, sir. I don't ever want to see anyone wipe out any historical community, whether it's black, white, Chinese or, you know, Asian, or whatever. I'm with you, and, you know, that should never happen. Rev. Jenkins said, my bishop is white, the majority of the people in my church are white. Commissioner Kicklighter said, and that's wonderful. I just wanted to let you know that whatever I decide, it won't be because of race because I work for people no matter what their color is, sir. Rev. Jenkins said, we want your support. We don't want to talk race —. Commissioner Kicklighter said, thank you, sir. Rev. Jenkins said, we want to talk preservation of Sandfly. Commissioner Kicklighter said, thank you, sir. Rev. Jenkins said, Sandfly is historically black and if we are displaced, those individuals who settled that land a couple of hundreds years ago, who were black, unfortunately their descendants now will have to move on someplace else and, unfortunately most of them won't go to Skidaway Island and won't go to Isle of Hope.

Commissioner Kicklighter asked, can I ask a question on this zoning? Is it —, would the building itself —, how close exactly to the neighborhood —? We need to get a big map and look at it. Commissioner Murray said, they don't even have a master plan yet. Commissioner Kicklighter said, I mean, I'd love to see a master plan of where it is sitting.

Chairman Hair said, all right, next please.

Mr. Will Burson said, good morning, ladies and gentlemen. My name is Will Burson. I'm a resident of Savannah, but I'm here today speaking as a staff member of the Georgia Conservancy. The Georgia Conservancy is a statewide environmental advocacy and education group representing about 5,000 members in Georgia. We have a program at the Georgia Conservancy called Blueprints for Successful Communities. It's a nationally recognized program because it seeks to bring together communities in order to develop visions and to help implement plans to implement those visions. Some of the Blueprints partners that we have in our program include the Georgia Tech School of Design, Urban Land Institute, the Greater Atlanta Home Builders Association, the American Institute of Architects, Georgia Trust for Historic Preservation, Institute of Transport Engineers, Georgia Planning Association, and the National Association of Industrial and Office Properties. As you can see, it's a very wide coalition. We have our headquarters in Atlanta, but we do have an office here in Savannah, and we started a new chapter of our Blueprints program when, on August 19th at the invitation of the Sandfly Betterment Association, we conducted the first of our sessions in Sandfly. Eighty people participated, including Commissioners McMasters and Rayno, and we heard a variety of concerns from the community that I'd like to share with you this morning. They include the fact that Sandfly has multi-generational families, a long

history of family land holding, an infinite sense of community and canopied roadways. The challenges the community sees for itself are better government services, appropriately sized commercial development, which I think speaks to one of the major issues you're dealing with today, and to mitigate the damage from the Truman Parkway. This was just the first of many sessions that are still to come, and I'm here today to urge you to consider that the community is coming together to plan for its future, and that also to urge you, I have worked on a number of transportation programs in Atlanta, buying right-of-way doesn't mean anything, letting construction doesn't mean anything. If it hasn't started, it can be stopped. So I urge you to consider your role in this process today and to consider what the community is doing, not just against Walmart, not just against a NIMBYism [sic], but to try and build for its future. Thank you very much.

Chairman Hair said, thank you. Next.

Mr. Earl Jones said, Mr. Chairman, County Commissioners – Chairman Hair said, can I ask everyone who is going to speak if you'd come on the front row, if you'd get on the front row so I can recognize you please. Anybody? Okay, thank you. Okay, so we have two more after this gentleman. Okay, thank you, sir. Go ahead, sir.

Mr. Jones said, I'm Earl Jones, a resident of Sandfly with opposing views. I have lived in Sandfly for 68 years. I've paid taxes in Sandfly since 1958. I've lived in the same area for 68 years, and this is the only project that came to Sandfly that I stand approve of [sic]. When the City annexed Sandfly, I voted against it, when Shady Oaks, Mr. Dyches, built the Shady Oaks Apartments, I voted against it. I voted against the one cent tax for widening Montgomery Crossroad. I voted against the Truman Parkway. At that time I know it would be hazardous to Sandfly, and I'm here in support of the tract of land that's being developed or wants to be developed by Walmart with my support. I live in Sandfly. I don't come to church on Sunday or Monday and I go back to my various homes. I'm there, I'm directly across from the project sits on the south side of Montgomery Crossroad. I'm directly in front of it on the north side, and the only problem I have with Sandfly is that we aren't trying to develop anything on the south side. I built a home in '86 in Sandfly. I got my tax records, they've got me taxed at a property in Mayfair. I don't live in Mayfair. I can't walk down Montgomery Crossroad to Mayfair when I go to the lake because there is no sidewalk, there's a lot of traffic. When they five-laned Montgomery Crossroad, they blew it. I can't get to the shopping center unless I drive. So I'm asking you –, they were saying a while ago that a person can do anything with their land or can't do anything with their land, but if you meet the requirements of your land, the County Commissioners said when the Target was coming over they said that they met all the requirements. So what is the problem? There's a lot of traffic, sure. When five o'clock in the evening and everybody's going to Skidaway Island, going to Dutch Island, going to Isle of Hope, there's a whole lot of traffic. But then there's no traffic in Sandfly. Those that live there don't have that much traffic. Now I disagree, but I'm not disagreeable. I'm going to live in Sandfly, but I would like to see the place develop. If not Walmart, somebody's coming. So all I'm saying, if Sandfly would wake up and try to build Sandfly –, they mentioned the graveyard. It's deplorable. My relatives and the old church down there, I go down there at least four or five times a year to clean up the site, and I can hardly get out the graveyard from the traffic coming from Isle of Hope to come back to Montgomery Crossroad. So we do have a problem. If the land is for sale, let Sandfly buy it. All I want to see is some convenience. Thank you.

Chairman Hair said, thank you, sir. Alderman Thomas, I'll recognize you next.

Alderman Tony Thomas said, thank you, Mr. Chairman, honorable members of the Commission. I'm Tony Thomas and I'm the Savannah City Councilman from District Six. Sandfly is not in my district. It's a County issue, but it goes beyond the County to be a whole community issue. This is not a new battle that the Southside is seeing. This is a battle that we are fighting every single day. Coffee Bluff is a clear example of the same things that we're going through down there. Some of the things that have happened at Coffee Bluff recently trying to develop Marsh Hammocks to cell towers to challenging –, we've got a major issue coming up with the marina at the end of Coffee Bluff, a lot of these different issues are the same kind of development issues that we're facing with at Sandfly. I disagree though with some of the responses that I've heard here today, and I know all of you are leaders, I know all of you are visionary and I know that y'all are in a deep struggle right now to really save money, to really put the budget back together, but I think that what you're seeing is you're seeing a lot of people come before you today and they're saying we need your help. One of the gentlemen here talked about leadership and I think Commissioner Odell said what do you want us to do basically, he asked the question. I can't give you the answer to that question. I can tell you a few things though that I believe that are some of the problems here. One, you need to be reminded that you already know, I know, zoning ordinances are local issues. The board that I sit on, the board that each of you sit on, we decide the MPC board. We also are the ones who determine what the laws and the ordinances will be for this community and what development will be for this community. Recently there was a tricentennial plan that was discussed. I think it is absolutely wonderful that the MPC is taking the vision to do a tricentennial plan, but one of the problems that we have with the MPC is that we do a lot of changing, a lot of amending, and through the years a lot of that has cause a lot of the problems that we are faced with today. This is not a black issue, this is not a black thing. This is a quality of life issue. This is the same issue that I'm fighting in Coffee Bluff and this is the same issue that I'm fighting anywhere else over on the Southside. You know, we are losing our history and we are losing it to big companies that are coming in and doing what they want to do. We have to take a stand. Now, this is what I would say as a leader. You know, sometimes you as a leader are going to lose, but you take your troops to battle and you die on the field with them. You don't jump in the G-4 and fly out of the country and leave it, and I think that that's what we've got to do in this situation. We've got to go out there and we've got to battle if we have to. We are responsible for serving the people in our constituencies. We are responsible for doing what's best for the community, economically but also historically and also what imprints the community in the future. One of the problems that we've got today, and I didn't want to bring this up because I see you've got it on two agenda items down, but I'm going to touch on it, if it's okay, Mr. Chairman, very lightly here. One of the problems that we have is with

the Metropolitan Planning Commission. We've got too many issues that are coming up before the County Commission and the City Council from the Metropolitan Planning Commission. My attorney, Attorney Blackburn, reminded my body last week, you know, y'all make the laws, and a lot of times we've allowed the Metropolitan Planning Commission to become so powerful we just take what they say and just pass it along. Sometimes what we're going to have to do is start challenging some of the advisory things that we --, that are coming to us because it's us who pays the ultimate price when we go back in front of our voters to ask for their vote four years from now. Input, I heard that here today. I can tell you for a fact when you have a Metropolitan Planning Commission staffer who says that he's received public input and he's not relaying it to the board and decisions are being made on that, there's a problem. Now, I think we need more input, I think we need more notification, and I think we need it now. I'm going to urge my board to please move forward and do it as quickly as possible, and I urge each of you to get a motion together and move it as quick as possible. We are not listening to the people, and when we don't listen to the people, this community is going to be --, excuse the language --, screwed up years down the road because of us and all. So I urge you today, please listen to these people from Sandfly and go out on that field of battle. If we win, we all win together, and if we lose, at least we fought the fight. Thank you.

Chairman Hair said, thank you, Mr. Thomas. Brenda?

Ms. Brenda Tomlinson said, good morning. I'm Brenda Tomlinson, a homeowner and taxpayer in Chatham County. Mr. Thomas is a hard act to follow and he said it far better than I could ever attempt to say it. So I'm just going to stick to pretty much one point. I'm asking the Board of Commissioners to give some direct attention to the misuse and abuse of granting variances up through our codes here in the County. Variances should be clearly defined and used only in rare and unusual circumstances. They should not be used to curtail whatever rule is in place. I think there was an issue about possibly wasn't there a variance given on the size of the structure that was to --, that would have gone in that zoning where Target and now Walmart wants to go? That could be part of the problem right there. Sandfly might could be a future historical treasure as valuable in history and in economics as are the Savannah historic squares are today. History preserved here has proved to be long term, economically good for Chatham County. So I hope that you'll look at this on a countywide level. You do have power and authority over all of us in this County, so please stand up for the people in Chatham County, not just the business owners, not just the big conglomerates, but for us little people, who are the backbone of every community in Georgia.

Chairman Hair said, thank you, Ms. Tomlinson. Commissioner Kicklighter asked, Mr. Chairman, may I comment? Chairman Hair said, yes.

Commissioner Kicklighter said, I just --, I want to comment on anything with my vote coming up. I truly believe that the majority of the residents throughout that entire area would be in there beating the doors when the doors opened up --, the morning Walmart opened up. So when --, I believe we have a vocal, very vocal minority. In my years experience in politics, people never show up in droves to say, great idea, put it here, do that. That's just not the way it works. People show up when they're upset about something, and I truly believe there's 50,000 people lives out in that area that will be there at the Walmart when the doors open. I experienced this in Garden City. I had a vocal, vocal opposing a simple little restaurant and, believe it or not, when I cut the ribbon, those very people were sitting right there eating. The very same night we cut the door --, cut the ribbon, and so with the people, I agree. My way of doing it is always what I believe the majority of the people wants and on this, if it comes to a vote, I will be voting with what I believe the people wants. I just believe the people are at home sitting quite and they're wanting it there where the minority is actually very vocal opposing it. So I will vote what I believe the people wants.

Chairman Hair said, thank you. I just want for planning purposes, is the lady at the podium now, is she the last person that wants to speak from the audience? Anybody else that wants to speak in the audience, if you'd come forward please and sit on the front row. Anybody else? Mr. Nutting, please. Anybody else. I asked that a while ago and people didn't do that for me. We just need to know so I can plan the time. Ms. West said, I apologize for that. Chairman Hair said, all right, we have two more. Anybody else in the audience now, please come forward right now and sit on the front row if you want to speak. Otherwise, I'm going to consider the front row the end of the discussion. Anybody that wants to speak, sit on the front row. Okay. Continue, ma'am.

Ms. Theodora Grant-West said, Theodora Grant-West. I'm 63, I've lived in Sandfly minus 12 years. I was born there and I hope to die there. Mr. Kicklighter, how many shares do you have in Walmart? I go to Walmart --, if you took a camera and there was a picture taken, I'm sure you would see me there at least four times a week, and I'm being very truthful. I love Walmart, but I don't want Walmart there. I'd rather drive. I go to Pooler, I go out on 17, I go to Wilmington Island, but if that --, we know the property will be developed, yes, but why not take the properties, develop it into some complex place for the handicapped that they can actually go and have a --, things to exercise on, places to go rather than to say there has to be a business. The area is beautiful if it's developed right, but a Walmart does not have to go there. I'm going to go to the store. I love it, but I don't want it there. For Mr. Jones, the property he now lives, we sold him that piece of property. I have no qualms and everybody has a right and a voice, but I have no --, and I'm not saying don't develop the property. All I'm saying is develop it, but develop it to something that we can have a community center, a complex area for recreation. We do need recreation. I mean, I'm healthy, and I love to eat, but then you don't always have to have a place to go to eat, but we do need a place that we can go as families to say that we can relax and enjoy what we have. Thank you.

Chairman Hair said, thank you very much. Thank you, ma'am. Commissioner Kicklighter said, Mr. Chairman, I just want to answer. I don't own any stocks of Walmart. I don't even appreciate the --, I mean, you can check my bank account. There is no buyout there, but, yeah, I love Walmart and I give too much money to Walmart, but --. Chairman Hair said, let's --. Commissioner Kicklighter said, I wish I owned stock in Walmart. Chairman Hair said, I hope the audience heard Dr. Thomas' speech this morning, just like we heard it, okay. Go ahead, ma'am.

Ms. Gay Hewitt said, good morning to all the Commissioners and to the Chairman. My name is Gay Hewitt. I live in the Sandfly area, and have lived there since 1968 and, of course, I want to protect the community. I just want to vocalize that I attended the tricentennial meeting that was sponsored by the Chatham County Commission on Tuesday night and the MPC, and I was very, very interested in all the experts. You had five, I think, very wonderful experts who talked just to what a community needs. I'm amazed that the Commission, I know they must have been paid experts. They don't come here just for talking to Savannah, but that you would spend this kind of money to bring them to the MPC, have them there for the whole evening, and we all sat through the evening, and I took notes all evening, and I just want to highlight some of these expert's advise that came to us on Tuesday evening. First of all, they said that in any zoning, planning or implementation, you must emphasize communities of mixed income, varied lifestyles and other --, all religions, but you must have compatible structures and designs within that community. You must also in designing or in zoning have innovative uses of the land, mixed use, community values must guide the growth that comes within the community, it must be smart growth that protects the community, and it must promote the community welfare. They emphasized every single one of these experts the quality of life in the community must be protected. And I want to say to you that if you read the PUD-BC guidelines in your zoning, all of these characteristics are there, and, Mr. Kicklighter, I wanted to say that I think it's how they're interpreted. The zoning is interpreted different ways in different areas. So it's not a case of we're trying to, you know, get around the zoning, but it can be interpreted to help Sandfly and it can be interpreted to hurt Sandfly, and the entire surrounding area. It's not just Sandfly, it's the entire southeast Chatham area. I want to say to you also that if you read the intent and definition of your PUD-BC, and the list that Mr. Kicklighter read are the worst possible on there. It starts off with churches and homes and this sort of thing, and if anybody every put --, tried to put a sewage plant in that area, they would be out of their mind. In fact, I think that's true about a Walmart as well. They're out of their mind. It should not go there. It has no place there. I want you to read these again, if you will, thank about what your experts said and ask does a Walmart fit any of those descriptions. Thank you.

Chairman Hair said, thank you, ma'am. Mr. Nutting, I guess you're the clean-up hitter.

Mr. Sid Nutting said, I had not planned to even come to the plate today because I think the passion of these people is self-evident. You are paying, as is the City, a substantial amount of money to bring in outsiders and to develop a modernized code that you can be proud of. The one you have has served us for an awful long time with revisions stuck in as individual issues came up, but it is in bad, bad need of cleaning up and you have certainly recognized that. The process is under way, it is well under way. The Islands plan has been concluded, you have approved it. The Southeast Chatham plan is modeled after that and will be with --, if you will give us staff back, we will get it done by the end of this year, and the Westside --, I'm sorry Commissioner Kicklighter is not here --, I am not aware that they are doing the job they need to do on that so you will have those citizens' input. I would submit that that side of town is where the growth is going to come, and it is now --, now is the time where they can develop all of these good things: the mixed use housing, the commercial mixed in with housing so that the people don't have to walk, all of the beautiful things that the experts have found and have shown you being done in other communities. So my plea with you at this point is that you listen to what's going on here and somehow slow the train down long enough for those things to become [sic] to you that you can use and guide this community on into the future. I have a feeling that there is a we can't do anything syndrome coming to light here with some of the sort of negative viewpoints, but I hope you will remember that this whole process was something you all endorsed and you're spending a lot of money on it when we really don't have a lot of money. So I just hope that you will --, I don't know whether a moratorium is the only way, but it is certainly a way that you can move and prevent this thing and save some time at the MPC. The same arguments are going on there, and it will come back to you anyway. So I hope that you will listen well to what's been done today and get this matter under control again.

Chairman Hair said, thank you, Mr. Nutting. Commissioner McMasters, you're next.

Commissioner McMasters said, I want to make a few comments here, and I appreciate all the time was afforded our citizens today on this issue. John Adams said that facts are stubborn things, and what I've seen here today is quite evident that there's a change occurring in Georgia. This State has been experiencing phenomenal growth for the last eight or ten years, and I come from a state that saw this sort of rapid growth and development happen in the late 50's and 60's and on into the 70's and 80's, and that's Southern California. There were some people that recognized the consequences of unbridled growth without proper respect and consideration for all aspects of a community, and this is an opportunity that Chatham County has now, the tricentennial initiative that the MPC has initiated will serve us well. We are operating with a set of zoning rules and regulations that for the most part, according to Mr. Blackburn, were adopted prior to the civil rights movement. I think this is unacceptable. I think that we are now discovering that communities have rights, just as much as property owners, that the quality of life is just as valuable as the bottom line for a corporation. Further, I think you can see that this is --, this is not a republican issue, this is not a democrat issue, this is not a white issue, this is not a black issue. This is a Savannah and Chatham County issue. It's here, it's now. I would like to say that Sandfly, from my limited experience --, I'm a relatively newcomer to this community, I've been here 10 years --, and if there's any community in my district or this town that I've visited that exemplifies the ability of everyone living together successfully and prospering without a lot of conflict, strife and deprivation, it certainly is Sandfly, and the reason for that,

I believe, is because there are families there. Families make communities strong. The family aspect alone of Sandfly is reason enough for me to fight to the end to try to preserve that quality. Too much degradation in families have occurred all across this City and this County. I would encourage –, I appreciate Mr. Jones coming forward and advocating for Walmart, but I would ask Mr. Jones to visit the now vacated Walmart on Abercorn where it's strewn with litter, that plants are dying, the grass that's growing is near waist high. This is the sort of neighbor that potentially would come in and then leave. And you have to ask yourself, how much real benefit, are we shifting dollars. We've got three Walmarts now. Are people really –, are you going to bring that many new customers to it? Your just going to reduce sales in Pooler and then you're going to reduce sales on Wilmington Island. I can see that this may turn towards a building moratorium, which is something that I had hoped we could avoid because there's going to be a lot of pitfalls with that, but if necessary I will help build a coalition to support a building moratorium if we can't get passed this and some of the districts that have spoken out very much against this would be the hardest hit by a building moratorium. But I will do everything that I can in my power to represent the people of Sandfly so that their community doesn't fall from the dialogue, and I think their requests are very, very reasonable. They want time, they want an Environmental Impact Study review, and they want an open discussion, and I don't find that out of line at all. Thank you.

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, thank you. Many of the things that I wanted to say have already been said. Alderman Tony Thomas, Sixth District Alderman for the City of Savannah, his district and my district are together. Tony [Thomas], you did good. I appreciate what he said, and not only that, but I agree with what he said, and I want to reiterate something that Commissioner Rayno alluded to and other Commissioners. That land has been zoned for business years ago, and there's going to be business there at some time, but it's a matter of what's going to be there, and I have to tell you from my own personal experience, Walmart is not a good neighbor. That store that they abandoned a year and a half ago is right in the middle of my district. That building, as you can see, in less than a year and a half being empty, it's in need of paint. The Commissioner pointed out, McMasters, that the plants are dying around it, the parking lot is allowed to be used for questionable carnivals and stay for extended periods of time, that employed people of questionable character, that when the carnivals closed down these people go out and burglarize our homes and steals our cars and burglarize commercial buildings on a regular basis. This is a real problem, you know, and they allow their parking lot to be turned into a big truck parking lot, 18-wheeler parking lots. I would challenge the managers of Walmart to –, the new ones, to take a drive through their at eight o'clock in the morning of their old abandoned building and smell the urine smell that's through there because there's no public toilets. They've opened it up to the public, but there are no restrooms in there. So they urinate and defecate wherever they want to. I mean, that's a disgrace. Now that should –, that is what is planning to be built in Sandfly. You know, five years down the road, if we have a bad economy or something, you're going to have a super empty building, and I really have a problem with that. I think that Walmart has proven to be a poor neighbor and I won't support any building that they're going to do anywhere in this County with one exception. They might want to take a look at and revisit their old building and acquire some more land and put a super Walmart right there. That would be fine, that's what it's supposed to be, you know, but just to move away and let a building deteriorate is wrong. I just came back from a vacation and I had traveled over 1,200 or 1,400 miles, and I saw other buildings, Walmart buildings, where they just move away and they let the buildings deteriorate. This is not unique in Savannah, this is typically what Walmart does throughout the country when they move. They're building supermarkets all over, all over the country and they just move out and just leave the old buildings. During my vacation I had an opportunity to go to Bentonville, Arkansas. Bentonville, Arkansas, is where Walmart started and I had an opportunity to go into the small town and visited the Ben Franklin Store where Sam Walton had his first store and, you know what, that sucker was clean, you know. It was well painted and well preserved, and I would challenge them to do the same thing with the other buildings that they just walk off and leave and allow to deteriorate. Thank you.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, you know, I appreciate the comments that were made up here. Commissioner McMasters and Commissioner Gellatly just made some good great comments and in respect to what's planned for that development right now. There are several issues that we, as a Commission, can deal with, and I'm sure that we will be given some legal advice when we go into Executive Session about this. One I've already addressed, and that's one that will be discussed in there. We do have another option, and it's only if this Commission and those property owners that own that land are willing to participate, and that would be to look at a swap with the property that we purchased from that same group of people for the Truman Parkway next to Lowe's out on Abercorn that I don't think will ever be used for Truman Parkway because there's no way that we can empty all that traffic at that location, and some type of swap with that and SPLOST money to help purchase the difference if there is a difference in cost because the value of that property has gone up considerably since we purchased it. So, that is another option that's out there. The one option that most of you that spoke today keep asking us about, and say that we have the authority to do it, I don't think we do have the authority to stop the construction of those ramps, and the reason I say that is we only purchased the right-of-way and the relocation of utilities is all that Chatham County has paid for out of SPLOST money on that. The State and the Federal government have paid and control all of the construction costs. Our purchase is already there so we can't do anything about that, and I don't know if –, if we can, then I would certainly vote to do it, and I don't know whether we can or not, but I don't believe that we can. But I just feel like that, as has already been said, that we've got a Walmart that has closed on Abercorn and, you know, in all probability, if this store does not do as well as they expect, it will close, and when it does close, I don't see anything else going back in there for many, many years. I remember going to that property before it was developed. And when it was developed, it was a drive-in theater I used to go to, and a lot of y'all probably don't even know what a drive-in theater is, but we used to go to those things when I was

growing up. I do now when the church purchased that property that they were going to do specific things with it, and that's why that property was rezoned. And all that changed, and now the people that own that property certainly have a right to develop the property, but when they do that I would hope that they would be good neighbors, even though they don't live in that area, and that they would develop it with something that with the input from the citizens of that area and do something that's right for the community. Otherwise, I hope that we, as a Commission and the governing body of Chatham County, can do something to help offset that. And I don't know what that is right now, but I will do anything I can to do it, and I fought for it when it was --, the Target was going out there, and there were some issues raised then and I think the zoning issue that somebody brought up was certainly --, is still an issue as far as I'm concerned, and I still disagree on this square footage thing that's in that zoning ordinance, and that was a big discussion during the last time, and I still say --, and I'm not the attorney, the attorney's stilling over there and he and I disagree on this, and we both know that going into it --, if you've got three distinct square footages for three different sized buildings and you go from one to the other, that is a rezoning, I don't care how you cut it, and we haven't gone through a rezoning process. That has to come before this Commission, and that hasn't happened, and I'm only one person on this Commission and one vote with it. But, again, I would support a moratorium, too, if in fact we can do that because we did one to get a land use plan completed in the Islands area, and I don't know why we can't do one in this area, if necessary, to complete that land use plan that's been discussed that's in the process now, but there are things that can be done. We've got to find out what those issues are and what we can do to do that. So --.

Chairman Hair said, thank you, Commissioner Murray. For the record now, for the Youth Commissioners, when Commissioner Murray went to the drive-in, he always parked on the front row. I just want to make sure --. Commissioner Murray said, no, I always went in the side gate that's what I used to do. Chairman Hair said, I just want to make sure that, you know --. Commissioner Murray said, and I always got caught. Chairman Hair said, that you were not on the back row. Commissioner Murray said, okay. No, I wasn't on the back row. Those were always taken.

Chairman Hair said, I think this is the --, you know, we were going to take our normal recess at 12:00. I think this is a natural breaking point to take it now, 10 minutes early. Let's go ahead and go into Executive Session without objection, and then we'll come back out as soon as that's over and then continue our agenda.

* * *

Commissioner Odell asked, could we clean up the Sandfly situation? Commissioner McMasters said, yes, let's do that. Chairman Hair asked, you want to do that next? Commissioner Murray said, that's fine. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, the Sandfly/Walmart/Truman Parkway fiasco has resulted or come to a point where the County Attorney advises us very adamantly that, I'm sad to report, that we're not --, we're not legally able to effect the type of change or motion and acceptance that we would like to afford you. There is a consensus here to provide relief and to recognize the importance of the community and that reasonable, responsible planning and growth commence out there. Regrettably, because we have put regulations into our zoning ordinances and have failed to administer and enforce them, we have compromised your community. We apologize for that. It is tantamount to malfeasance on behalf of your elected officials. It saddens me that we're between a rock and a hard spot. Unfortunately, we have to go along with the advise of counsel in this matter; however, what we will do from this point forward, and you have a consensus here, a broad consensus, is that we will use every ability and power that we have to ensure that your community and communities --, this goes for all of Chatham County --, that citizens that want to come up and speak on behalf of their communities, their neighborhoods, we will listen to them and we will do everything that we can to assist them, the things that we should have been doing for Sandfly that we haven't been doing. So we are going to make a motion that we instruct the Metropolitan Planning Commission to commence immediately a corridor review and study of the Sandfly and adjacent area. Commissioner Rivers said, second. Commissioner Kicklighter said, excluding that --. Commissioner McMasters said, excluding the already permitted, already processing 52-acre tract. Commissioner Rivers said, second.

Vice Chairman Thomas said, it has been moved and seconded. Any discussion? All in favor of the motion, please vote. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Commissioner Thomas said, the motion is carried.

Commissioner McMasters said, if I can continue --. Vice Chairman Thomas said, I said, the motion is carried. Commissioner McMasters asked, just drop it? Commissioner Murray said, no, you can go. Commissioner McMasters said, okay, thanks. The point here is that we're going to pledge to you from this point forward that we will do everything possible to provide the sort of leadership and assistance that your community needs so that the errors of the past are not repeated. So I apologize, as an elected official, that we've come to this point, but hopefully this is a new point with which we will be able to go forward, and we have that study, Mr. Newton, in --, before our next meeting? Do you need more guidance on it? Do we see you privately? Jon [Hart], what's the advice here?

County Attorney Hart said, well, I think what we need to do is doing a corridor study, we need to define the corridor. And I think certainly within the next two weeks the MPC ought to be able --, and I speak for Mr. Newton --, but I think we ought to be able to come back here with some options to the MPC about what areas, you know, if they want to include in that corridor study. Obviously, the larger the corridor, the greater amount of time it --.

Commissioner Kicklighter asked, can Commissioner McMasters be involved –. County Attorney Hart said, oh, absolutely. Why, sure. Commissioner Kicklighter asked, can Monday he go over there and show them the ideas he has for that? County Attorney Hart said, the point I'm going to make here that people need to recognize is that if you're undertaking a corridor study, you're looking at a geographic section and you need to define that study, and I want to do whatever this Commission wants done, but the greater the corridor study, the longer the period –, there's just more information and more data needs to be taken into consideration, so we may even want to breaking it down into, you know, phase one, phase two.

Commissioner McMasters said, let me work with Mr. Newton to protect the interest of the community. Thank you.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, the land use plan that they are working on right now –. Mr. Newton said, Southeast Chatham. Commissioner Murray said, yeah. How far does that come toward Sandfly. Does Sandfly come into that? Mr. Newton said, it includes that. Commissioner Murray asked, it includes that? Well, that puts another whole light on this thing, doesn't it?

Commissioner McMasters asked, there already is a corridor study? Commissioner Murray said, no, he's doing it for a land use plan that's already in the process. Mr. Newton said, that's a study that is due by the end of the year.

Commissioner Kicklighter said, well, maybe we could put a microscope in that area faster and –. Commissioner McMasters said, well, wait a minute. We might have other options that are available to us now that we know that Sandfly's already under a corridor review. Commissioner Rayno said, well, maybe we should go back into Executive Session. Commissioner Gellatly said, make a motion. Commissioner McMasters asked, do we do it now?

Vice Chairman Thomas asked, do we need to do that now? Commissioner McMasters said, it will certainly explain some things that we need explaining. Commissioner Rivers said, just make a motion to go into Executive Session. Vice Chairman Thomas asked, okay, do I hear a motion to go into Executive Session. Commissioner Rayno said, so moved. Vice Chairman Thomas asked, for the purpose of? Commissioner McMasters said, clarifications from the County Attorney. Commissioner Rivers said, second. Vice Chairman Thomas said, all in favor. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present.]

* * *

Mr. Sid Nutting said, I am speaking as the chairman of this committee that is trying to draft a plan for the Southeast that does include the site, the controversy. We have heard you say that a large majority of you feel that you mishandled this whole zoning matter, a zoning status that has been there for about 12 years with no action until the Target came along, and that you were guilty of almost malfeasance, and yet I hear in the same breath that you're saying, well, there's nothing we can do about that. Now, if you can't do something about that, where in God's name do the citizens look to get something done about it? I don't know what you have been told legally. Our legal advisors have a little different view, and it seems to me that you need to provide some kind of time and consideration of other points of view, and certainly the citizens need to hear legal point of view it is that is making you say you can't do anything about something you admit you've done wrong. So, if you'd like to hear –, I like to have you hear from our legal counsel. I don't know what you did in the time you were out, but I hope it that's you've decided that you can do something constructive, not destructive about perpetuating a long time failure of duty. So may we –. Vice Chairman Thomas said, thank you. Mr. Nutting said, submit another point of view or –.

Vice Chairman Thomas said, thank you, Mr. Nutting we'll follow through on remarks from the Commissioners. Commissioner Rivers asked, can I say something to Mr. Nutting? Vice Chairman Thomas said, well, okay, I'll let you go and then we'll come back to Commissioner Murray. Yes, Commissioner Rivers.

Commissioner Rivers said, Mr. Nutting, I know that somebody said –, that's a personal opinion that it's malfeasance, but I do know that there are laws on the books, laws on the books of Georgia, laws on the books of this County that have never been enacted [sic], that are bare standing laws that we don't act on. Now do we claim that everybody –, it's an act of malfeasance in that case that laws are just not enacted? Mr. Nutting said, that's for you to decide. Commissioner Rivers said, well –. Mr. Nutting said, my concern here is that one wrong doesn't –, another wrong doesn't fix it. Commissioner Rivers said, personally, if there's something on the book and it's not being enforced, and we're not cognizant of that, then, you know, I have no problems with my actions in sitting here. I'm going to do everything to safeguard the citizens as much as I possibly can, but it's not my duty to enforce all ordinance. We have a staff for that, and if that isn't happening then, yes, we're responsible, but then we've got to be cognizant of that also. This has been brought to our attention and we know that we need to take some action on it, and maybe we can't do nothing on those things that are past, but we can do something about it going forward.

Mr. Nutting said, nothing has happened. The trains are still going.

County Attorney Hart said, Madam Chairman? Vice Chairman Thomas said, yes. County Attorney Hart said, one thing that I would comment to Commissioner McMasters, and I would not wish to take his words or change them or modify them, but the term malfeasance was used, and I think probably the term meant to be misfeasance, and there is a

distinction in the law in regard to misfeasance and malfeasance. Malfeasance implies some type of criminal or evil intent on somebody's side and misfeasance being perhaps not following your, you know, the statutory obligations. Now, I don't mean to clarify his statements or put words in his mouth.

Commissioner McMasters said, I appreciate your clarification. I think the communication was understood although with improper language and I apologize for that.

Mr. Nutting said, I'm not trying to be critical of you all because you've got a hell of a job. I can't even stand staying there and listening to you, but [inaudible] trying to turn your back on something that you know that you misfeasanced is –, is not a solution. I mean, we can't run the County that way, and I say we have some legal advice that says that 11.3 is a significant matter, as are all of –, we feel –, all of the –, your predecessors who passed all of these regulations. They didn't cover everything, so you all need to cover them. You are the elected people. There are gaps in here all the way through, and you are doing that. You've got –, you're spending, what, \$45,000 a year for three years so far, and the City in a like amount, to clean some of this stuff up, and I don't see any point in saying we've always done it that way in the past, so we'll do it until we get through here. I mean, that –, you all are grown men and women. There is something you can do. You are the supreme law for this County. Now the courts will argue with you and it's a shame that the citizens have to defend themselves many times in court, when that's really you all's job, and I'm not trying to imply suit. I'm trying to say we've got a little different opinion of this thing, and I think we deserve to hear whatever you've heard in private quarters about why it is you can't correct something that's wrong.

Vice Chairman Thomas said, I think, Mr. Nutting, if you will allow –, do you want to make a statement before I call on Mr. McMasters –, Commissioner McMasters?

Commissioner McMasters said, Mr. Nutting, I would be happy to meet with you personally at some other time so that this meeting can go forward, and I'd be happy to hear from your counsel whatever alternative or additional perspectives that y'all have, but I appreciate your comments and, as clumsy as this and awkward and as lengthy as this may be, I think we're start down a better path. Mr. Nutting said, we have counsel here. Can –, would you like to hear that now? Commissioner McMasters said, I'm concerned that the length of this meeting is such that –, there's other business to conduct on behalf of the County, but if you'd like to talk after the meeting or in the evening and set a time aside, I'm sure a couple of my colleagues would like to sit in. We just can't have a quorum, and we'd be happy to hear whatever you have to –. Mr. Nutting said, may I ask you one more thing. Make one more comment. Next Tuesday this case is coming before the MPC. The MPC is going to act on it with the same legal advice that they can't do anything but accept the proposal. Commissioner McMasters said, well, we're not too sure about that any more, and I'll be there Tuesday and I'll try to encourage some of colleagues to be there as well.

Vice Chairman Thomas said, I think if you give us an opportunity to let me call on a couple of people, it might clarify. Mr. Nutting said, you don't understand –. Vice Chairman Thomas said, yes, I do. Mr. Nutting said, what we're doing and what we're offering, and I –. Vice Chairman Thomas said, you are right and –. Mr. Nutting said, it's a plea as much as anything. Vice Chairman Thomas said, I understand and we are making an effort to move in that direction. Commissioner Murray and then Commissioner McMasters.

Commissioner Murray said, Mr. Nutting, as you well know, you and I have talked a number of times on this same issue and other issues involving land use plans and zonings and other things. I value your comments and I value your input on it. I would recommend that y'all's attorney get with the County Attorney and let them talk because they're going to understand the legal side of it, and I don't believe that we quite understand that as we misinterpret and misuse some of the legal wording at some points, and we have to be clarified on that, too, but I would like to see y'all's legal counsel and our County Attorney get together and discuss that and maybe there's something there that he can tell our attorney that would change his mind on some of it, too, and maybe get a clarity on what's going on with it. I will say that I'm not afraid to go to court, and I'm not afraid to go to court and lose and get badgered in the paper and everything else, and we do that, and it's happened before, and I'm willing to do that. Unfortunately, the majority of this Commission is not willing to do that, and so we will not be taking it to court and we will not be making a ruling today because the majority or the consensus is that the votes are not there to do that, and so it's not going to happen. Some of us will go and have said we would go regardless of the type lawsuits that are filed against us. I feel very strong about zoning, I feel very strong about these land use plans and developments and neighborhoods and what takes place in them. Unfortunately, without the votes you can't move it forward and you can't do it. Now, we're going to get battered a couple of times before we win some of them, but sooner or later we will win them, but we're going to have to stand up and go forward with it, and you're exactly right, we are the governing body and it's up to us to move it forward one way or another. But I would –, if we need a motion I'll put it in a motion, otherwise, Jon [Hart], if you and whoever their counsel is can get together and discuss these things and see if y'all can come to some consensus on it. County Attorney Hart said, the County Attorney's office has an open door policy to deal with anybody that has or is represented by counsel –. Commissioner Murray said, well, I just want it on the record that I am saying I want it to take place. Okay? County Attorney Hart said, that's fine. Commissioner Murray asked, now will y'all's counsel agree to do that? Mr. Stack said, absolutely. Commissioner Murray asked, you're the counsel? Mr. Stack said, yes, sir. Commissioner Murray said, that's the County Attorney. As soon as y'all can get together, have at it.

Vice Chairman Thomas said, thank you very much, and now we'll have the clarification coming from Commissioner McMasters.

Commissioner McMasters said, thank you, ma'am. I would like to amend my earlier motion before recessed, I'd like to amend it as follows. I'd like to amend the motion to ensure that the current corridor plan as directed to staff would also include consideration of benefits of the plan already under way in study known as the Southeast Chatham Corridor Plan. Vice Chairman Thomas asked, the person that made the second, do you accept the amendment? Who made the --? Commissioner Murray said, I don't know, but I'll second it, if they didn't.

Vice Chairman Thomas said, all right. Any further discussion? All in favor of the amended clarification, please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

ACTION OF THE BOARD:

1. Commissioner McMasters moved that the Board that we instruct the Metropolitan Planning Commission to commence immediately a corridor review and study of the Sandfly and adjacent area, excluding the already permitted and processing 52-acre tract. Commissioner Rivers seconded the motion and it carried unanimously [NOTE: Chairman Hair was not present].
2. Commissioner McMasters moved to amend the previous motion to ensure that the current corridor plan, as directed by staff, would also include consideration of benefits of the plan already under way in study known as the Southeast Chatham Corridor Plan. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present.]

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EXECUTIVE SESSION

Upon motion being made by Commissioner Rivers, seconded by Commissioner Odell and unanimously approved, the Board recessed at 11:50 a.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:05 p.m.

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ITEMS FROM EXECUTIVE SESSION

1. **REQUEST BOARD AUTHORIZE SETTLEMENT OF CHATHAM COUNTY, GEORGIA V. 0.0297 ACRES OF LAND; E. HAYDEN, S. JOHNS AND SOUTHTRUST BANK, CV01-0702-MO (JON HART).**

ACTION OF THE BOARD:

Commissioner Rayno moved that the Board authorize settlement of Chatham County, Georgia v. 0.0297 Acres of Land; E. Hayden, S. Johns and Southtrust Bank, CV 01-0702-MO, in the amount of 65,000. Commissioner Thomas seconded the motion and it carried unanimously.

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

ACTION OF THE BOARD:

Commissioner Thomas moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Kicklighter seconded the motion and it carried unanimously.

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[NOTE: Discussion on the Sandfly issue resumed at this point on the agenda.]

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SECOND EXECUTIVE SESSION

Upon motion being made by Commissioner Rayno, seconded by Commissioner Rivers and unanimously approved, the Board recessed at 1:47 p.m., to go into Executive Session for the purpose of clarification from the County Attorney on legal matters. [NOTE: Chairman Hair and Commissioner Odell were not present.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at approximately 2:10 p.m.

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ITEMS FROM SECOND 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 Kicklighter moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Rivers, Murray and Odell were not present.]

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[NOTE: Discussion of the Sandfly issue resumed at this point on the agenda and was concluded.]

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VII. COMMISSIONERS' ITEMS (continued)

- 4. COUNTY APPOINTMENTS (COMMISSIONER MURRAY).**

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, the reason I put this on under my name to discuss is that, you know, we're getting further and further behind on appointments. We went through a process a while back that the County Attorney and the County Clerk got together and they told us what boards that we appoint to we have to keep and what boards we can do away with. Well, there were unfortunately very few we could do away with even though there are a lot of non-functioning boards. We've got a list that came in our packet today, or this week, of all the boards we appoint to. Some of the people listed on here are deceased, some expired five, six and seven years ago, they're still listed as being on there. We came up with a new process of the way we were going to make appointments and this is when we appointed the new Board of Assessors that all those members had to be present at our meeting and we would ask them questions. They sat out through a meeting like this for almost the same amount of time and not the first question was asked of any of those people that sat out in that audience. Not the first question was ever asked, but they were told they had to be

here. We did it basically the same way we always did it. We've come out with a new policy now that we will interview those people wanting to serve on any County-appointed boards. We had a lady that sat in the audience two meetings back through the whole meeting waiting to be interviewed, and they said, well, we all know her, we don't need to interview her, we'll go ahead and vote for it. So she was never asked any questions. You know, my feeling is that if we're going to do interviews, we interview everybody whether we know them or we don't know them. If we aren't going to interview anybody, that's fine, too, but we need to come up with a policy that we're going to use and that's going to work and that at least once a quarter we will set aside one meeting strictly to do appointments. Otherwise, we are not going to clear up the sheet that we have of appointments we need to do. We've got boards right now that don't function because they cannot get a quorum because they do need people appointed to them. I got a call this week about one, and that's why I put this on the agenda again. We, as an elected body, need to come up with a process that we're going to use and stick with it and move forward, and I'd just like to know from the rest of the Commissioners what process are we going to use? Are we going to interview people or are we not going to interview people? Are we going to put their names out to the media of people we're considering or are we not going to do that? Are we going to go about it and put names up individually like we've done in the past and vote on them? We need to have a process.

Vice Chairman Thomas said, Commissioner Rivers and then Commissioner Rayno.

Commissioner Rivers said, very frankly, Frank [Murray], I think we run people through too much red tape for them to serve and I think that if we've got a résumé and they are recommended by a Commissioner, then unless we know that a person –, you know, every now and then we get a few bad apples, but overall we haven't been getting a whole lot of bad apples. So, I don't know, I just think the process of advertising, we're creating and all that –, and then I think it should be diverse because you may have it come in unbalance of people who want to serve from one area to another. So I still think it should go back to the Commissioners so that every respective district can be represented.

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

Commissioner Rayno said, Commissioner Murray has obviously put a little bit of thought into this. Perhaps what you could do is put together a proposal of procedures you'd like to see and then a timetable of actual dates in accordance with our calendar for the year and bring it back to be voted up or down. I'll support whatever you do. It sounds like a good idea to me.

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters said, thank you. I concur wholeheartedly that this Commission could do the best possible work for its citizens by paying closer attention to the people that we put on boards and the opportunity to sit down and talk to them one on one affords an opportunity to ask some questions, get a sense of confidence, get a level of relationship and trust that I would feel personally better with, so I totally support this and look forward to it. I think it's a leg up for Chatham County.

Vice Chairman Thomas said, okay. Anyone else?

Commissioner Murray asked, do y'all have any feeling on it? I guess what I'm trying to find out, do you –, do you want to interview people or not interview people. Commissioner Kicklighter said, why don't you come up with a plan and we'll [inaudible]. Commissioner Murray said, I mean, I can give you a plan right now if we need to do that because I think we need to move forward on it, but if you want to wait until the next meeting I'll be glad to bring something then. Commissioner Kicklighter said, well, whatever would be fine with me. Commissioner Murray said, well, I would like to see us set aside the first meeting of each quarter to make appointments so we don't do it at every meeting. We know it's coming up. I would like to see us –. Commissioner Rivers asked, each quarter or each month? Commissioner Murray said, each quarter. I don't think we need to do it monthly. That's four meetings a year, four times a year we will make appointments. Vice Chairman Thomas said, first meeting. Commissioner Murray said, first meeting of each quarter.

Vice Chairman Thomas asked, okay, is that a motion? Commissioner Murray said, I feel –, well, no, I'm not through yet. I think we need to have a résumé on each person we have. I do not think we need to go through an interview process. I think we can do the discussions like we have, based on that, because somebody obviously is going to know the individual we're putting the name up on. And basically that's it. If, in fact, somebody –, and we need the résumé in I would say at least two weeks prior to that meeting we're going to do the appointments on. That way if any Commissioner would like to call and talk to any of these people, they can do that. That's pretty simple, but if it's not in agreement with everybody, that's fine too, we can make some other changes, but that's what I would recommend.

Commissioner Kicklighter said, I make a motion to approve. Commissioner Gellatly said, second. Vice Chairman Thomas asked, any further discussion? Hearing none, please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present.] Vice Chairman Thomas said, the motion is carried.

Commissioner Murray said, okay, so does that mean –, when will the first meeting of the next quarter take place so we can go ahead and put that on the calendar? County Manager Abolt said, first of October I believe, sir. Commissioner Murray said, October –, the first meeting in October we will make appointments then. So, all of you probably still have

this list that Sybil [Tillman] sent to all of us. We can go down it and go ahead and start putting the –. Vice Chairman Thomas said, thank you very much. Commissioner Murray said, thank you.

ACTION OF THE BOARD:

Commissioner Kicklighter moved that the Commission begin making appointments only on the first meeting of each quarter, the first quarter being October, 2002, and that résumés be submitted to the members of the Commission at least two weeks prior to the meeting. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present.]

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ORDER OF BUSINESS

Vice Chairman Thomas said, I have a request from Commissioner Kicklighter, he would like to, if possible, take care of number four under Items for Individual Action next. Commissioner Murray asked, which item? Four? Vice Chairman Thomas said, yeah, under Individual Action.

[NOTE: By consensus of the Board, Item IX-4 was taken out of order and was heard at this point on the agenda.]

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VII. COMMISSIONERS' ITEMS (continued)

5. REQUEST FOR INTEREST TO DETERMINE POTENTIAL FOR EQUESTRIAN LEISURE OPPORTUNITIES AT TOM TRIPLETT PARK, S&O CANAL AND POSSIBLY OTHER COUNTY FACILITIES (COMMISSIONER KICKLIGHTER).

Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Dr. Thomas. This is just a –, this is a request for permission to advertise for interest to –, as she read here –, to determine potential –, for interest to determine potential for equestrian leisure opportunities at Tom Triplett Park, S&O Canal and possibly other County facilities, and I'll put that in the form of a motion and then we'll discuss it if someone will second. Commissioner Gellatly said, second.

Commissioner Rayno said, discussion. Vice Chairman Thomas said, discussion. Commissioner Rayno said, if you think a racetrack is bad, and we think a pool is bad, and we think all these other things are bad, adding another project to Chatham County when we don't even have the money to take care of what we've got is bad too.

Commissioner Kicklighter said, okay, well, here's the answer. I have a private developer interested in taking the whole funding, private funding, and putting it in an equestrian course out in Triplett Park with her funds adding to the recreation of that pathetic park that was built out there, at her cost, her expense, putting something nice here, not the usual. So this is the legal way to include the entire community and we're not showing favoritism. If there's other people out there that would like to take their money, put it into help us enhance the park, they could come forward, and that's all this is. It's not the private –, it's not public funds whatsoever. This is soliciting interest. If someone's interested, they would come forward and at that point if there was 20 people, they would present their –. Russ [Abolt], please share the details.

County Manager Abolt said, this is very innovative on his part and certainly is able to have a person that came forward with this. As we discussed, and the same thing that Commissioner Rayno was a part of Commissioner Kicklighter's discussion, and any type of solicitation, number one, is necessary to make sure there's no one else out there that might be interested because they'd be using County property, but the term that we use is portability. Whatever might happen if there's interest would have to be borne from the standpoint of maintenance expense by the sponsor, and then, if necessary, removed if that sponsorship interest is not there anymore.

Commissioner Rivers said, in other words, they're going to cover –. County Manager Abolt said, they cover everything. Commissioner Rivers said, they're going to do just like we do at the model airplane –. County Manager Abolt said, yes, sir. Good analogy.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray asked, does that mean if we approve this that they're going to allow CAT to run buses out there so everybody can participate? Commissioner Kicklighter said, [inaudible]. Commissioner Murray said, if they sign an

agreement that CAT buses can go through Garden City and stop in Garden City and Pooler –. Commissioner Kicklighter said, that's really –. Commissioner Murray said, – then I will certainly be glad to approve this. Commissioner Kicklighter said, that's really good. Commissioner Murray said, you're welcome. Commissioner Kicklighter said, that's very tasteful.

Vice Chairman Thomas asked, okay, Commissioner Rivers, were you through? Okay. Did you want to speak, Commissioner McMasters?

Commissioner McMasters said, yes. I applaud the innovation. Commissioner Murray said, I think it's a good idea to look at it. Commissioner McMasters said, you're on the right track. With more details I could support this. It's kind of analogous to what we're asking Pat Monahan about the boat basin, for the opportunity to bring in a vendor, a lessee, and the questions kind of became, well, what happens if they shut down? Why [inaudible] might we have? What clean-up might be associated with –, can you flush this out a little bit further?

County Manager Abolt said, Commissioner Kicklighter is erring on the side of making sure anybody who might have an interest is given a chance. That's all we're doing. Commissioner McMasters said, but conceptually then that's all we're doing. County Manager Abolt said, it's very elementary and I think it's very responsible on his part. Commissioner Rivers said, I'll buy the concept.

Vice Chairman Thomas said, I'll call the question. No further discussion, do you want to put that in a motion or it's by consensus? Commissioner Kicklighter said, I believe I made a motion to approve. Vice Chairman Thomas said, oh, okay. All in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present.] County Manager Abolt said, staff will now issue an RFI. Vice Chairman Thomas said, the motion is carried. Thank you.

ACTION OF THE BOARD:

Commissioner Kicklighter moved that the County issue a Request for Interest to determine the potential for sponsors to fund equestrian leisure opportunities at Tom Triplett Park, S&O Canal and possibly other County facilities. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present.]

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6. NOTIFICATIONS ON ZONING ISSUES (COMMISSIONER MURRAY).

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, yes. As most of you know, over the last couple of weeks there has been a lot of media about MPC. A lot of it came, I guess –, Tony Thomas is gone now, but he was involved in a lot of discussions on it, and I understand that the City Council is now looking at how they go through the notifications to the property owners. You know, I have a problem if we're going through this big, massive tricentennial type planning for Chatham County, for the City and the County, yet we've got one of these entities right now that wants to run out and do their notifications different, and if we're going to do it, it needs to be done the same for all of us. We don't need to be getting into the City does theirs one way and the County does theirs one way. So I would say –, Russ [Abolt], I don't know what the proper procedure would be on this –, to make a motion that the City and the County do this together and draw that notification policy up together as the same policy for both. Does it have to be a motion or do we need to –.

County Manager Abolt said, I would think it would be good because –. Commissioner Murray said, I would make a motion that staff and MPC meet with the City and be part of the notification process and that we and the City adopt the same plan as far as notifications. Commissioner Kicklighter said, second.

Vice Chairman Thomas asked, question –, any discussion? Hearing none, please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present.] Vice Chairman Thomas said, the motion is carried and staff will follow through.

ACTION OF THE BOARD:

Commissioner Murray moved that staff and MPC meet with the City of Savannah and be a part of the notification process on zoning issues and that the City and the County adopt the same plan as far as notifications. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present.]

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7. SPLOST AND VEHICLES (COMMISSIONER KICKLIGHTER).

Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. I just want to let the Commission know that we found out that in July of 2000 the law was changed as far as funding with SPLOST money, which you could –, you can now purchase –, make capital improvements that would include police cars, fire trucks, ambulances, garbage trucks and other major equipment. I wanted to throw that out there to you as an option to see if possibly y'all would want to list in our SPLOST very vaguely vehicle replacement under the safety vehicle replacement, possibly save on our homeowner tax and be able to use some of the SPLOST funds favorably. That was a law that was changed in 2000 and we can now use that money. I thought that was great news, so I wanted to see what y'all thought about it.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, yeah, it has been changed, but it specifically says it has to be part of a project, not a maintenance type thing. Is that correct? County Attorney Hart said, no, sir. It's actually shoe-horned into the ordinance as kind of a paragraph A-1 that sits out there sort of to the side, and it talks about it being a capital improvement project being considered, those classifications. I think garbage trucks are included, for example, but it does not allow –, but it has to be part of a SPLOST referendum where you say we're going to set aside so much money for purchase, identifying what you're doing and making that kind of a sub-project, and it also further provides that you can't use any of the funds for the maintenance and whatever underneath there. So it has some limitations. Commissioner Murray said, well, I certainly don't have a problem with that, but I do feel like we need to come back another time and readdress the SPLOST referendum as a whole and not just in segments as we decide we want to add something here or add something there. County Attorney Hart said, it's just an option that we have. Commissioner Murray said, look at the overall referendum again, and I know we voted on it what we wanted to do, but I think we have to look at it again and come up with some proposals and some changes on it and then move forward.

County Manager Abolt said, on that if I may comment, and I appreciate your initiative again on this, we were at the staff level, because we've given you everything we've received from the cities and, as you know, Mr. Bungard is about doing project estimates on the roads and drainage and stuff like that, but after the LOST negotiations has some closure I was going to present for your deliberation at an appropriate time everything Mr. Bungard has completed as well as the list from each of the cities. Staff would not be about adding vehicles absent some direction from you all because when you told us to put together the County's list, it was very limited, and so then if this is approved, we will come back and augment our list to give you a sampling, if you will, of what vehicle allocations for SPLOST might be that would benefit the County.

Commissioner Kicklighter said, [inaudible]. Commissioner Murray said, I wouldn't think we would. I mean, you can still come back with the list because that may not be the only thing we change on that. County Manager Abolt said, sure. I just –, I don't want it to be a complete surprise. I would prefer that you know. Commissioner Murray said, why don't you go ahead and have staff get us a list and we'll look at that because at some point I think we need to put SPLOST back on and re-look at what we've approved already and make some additions to that. County Manager Abolt said, well, I think it's safe –, it's my understanding that you have no disagreement with –, what I'm trying to say is, the strategy. I'm prepared to do what you're asking for fairly quickly, but it was my –, in my mind I was looking at a schedule that would allow closure on LOST and then we'd come forward. Commissioner Murray asked, when do we have to –, when does this referendum come up for a vote? County Manager Abolt said, there's three or four dates next –. County Attorney Hart said, we did a memo on that –. Commissioner Murray asked, next year? County Attorney Hart said, yes, sir. Commissioner Murray said, well, then the election's next year. County Attorney Hart said, next year, yes. Commissioner Murray said, City Council's election is next year. We could have it on the same day.

Commissioner Rivers asked, Madam Chair, does that mean that I could buy some 30-foot buses? Commissioner Murray said, 24-foot. County Attorney Hart said, I'll have to think about that. I'll look at that. Commissioner Rivers said, or 12-foot. Commissioner Murray said, 15-passenger. County Attorney Hart said, there's not –, well, it says other major equipment. I could look and see how it could be done. It might have to be structured where it would be a take-down for the County and leased back to CAT, or something like that.

Commissioner Rayno said, my chief concern with this program is if you buy something you have to maintain it, so could it be restricted to just replacing vehicles as opposed to expanding fleets? County Manager Abolt said, yeah, we just replace vehicles right now. Commissioner Murray said, \$30,000,000 for vehicle replacement. Commissioner Rayno said, that would be my caveat. County Manager Abolt said, hallelujah. Commissioner Murray said, all new vehicles for the next ten years.

ACTION OF THE BOARD:

Staff was directed to prepare a list of vehicle allocations for inclusion on the SPLOST referendum and bring it back to the Commissioners for consideration.

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8. DISCUSSION ON LOST NEGOTIATIONS (CHAIRMAN HAIR).

Chairman Hair said, on the LOST negotiations, the reason I put this on here this morning, we had had numerous public meetings on LOST and Commissioner Murray and myself met with them. The last time we met we officially offered the city, I believe it was 18 and \$45. That was –, we submitted that in writing. On Wednesday of this past week, the Mayor called me and made an offer of 17.6 and \$30. I called Commissioner Murray and asked him about that and he asked that we get it put in writing. I called the Mayor back and had it put in writing. You have in front of you –, I sent it to Gail [Gordon] on 9/11 to send out to all the Commissioners, the official offer, and it's my understanding y'all did not get that, but it's dated –, it was dated Wednesday, I gave it Wednesday, the 17.6 and the \$30 a day with a cap of 28 days. The Commission can do anything it wants to today, it can do nothing. It can approve this or it can take any action it so chooses. Before I recognize Commissioner Murray, it will be my recommendation that we accept this. I think this is a fair offer, I think it's fair to the cities, I think it's fair to the County. It generates more revenue than we got five years ago. It will generate anywhere from 2.6 million to 3 million in addition for the County and you're going to hear arguments in a few moments about, you know, we've got until December 31st and all of that, which we do legally, but I see no reason in dragging this fight out any further when we've got, I think, a fair offer to the citizens of the County. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, I got a message, I believe it was a voice message, on Monday from the Chairman stating that he had received a phone call from Mayor Adams and that he was offering 17½ and \$35 a day. I was not able to get with the Chairman until, I believe it was Tuesday when we talked, and that offer had changed from 17½ and \$35 to 17.6 and \$30. Now if they want to go back to the higher rate, then I would consider voting today to accept that, but I don't believe that we need to accept it right now. We already know that the inmate population for the last two months has gone down. We don't know what's going to happen with the economy. We've got another issue coming up on our agenda today where the amount of money, dollars that we had estimated would be coming in on SPLOST, this current SPLOST that we're in, are not going to be as high as we had expected. We're going to have to cut some of the monies that were going to the municipalities in that area, and I just feel like that we need to do some more negotiating before we accept this figure, and I do not and will not vote in favor of accepting that figure today.

Chairman Hair said, I think we need to –, a vote one way or the other. I'd like to see a vote on this issue, up or down, and then if we vote it down, then I think we obviously would continue negotiations. If we vote to accept this, we would not. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers asked, what happened to the 17.5, \$35 that you left for him and then –. Chairman Hair said, they never made that as a formal offer except verbally. They never put that one in writing. The only offer we have in writing is the one before you at 17.6, \$30 and a 28-day cap, which I think protects a lot of things that the District Attorney had asked for that to protect the [inaudible] program, which is a very good program, and the 28-day cap has been in, I think, in all of the offers that we've received.

Chairman Hair said, Commissioner McMasters and then Commissioner Rayno, and then you. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. Can we tell me if this current offer is for five year or ten years? Commissioner Odell said, five. Chairman Hair said, well, it –, the letter states ten. Commissioner McMasters asked, ten? Chairman Hair said, ten. Commissioner McMasters said, ten. Chairman Hair said, I would be willing to –, it was my understanding that it was a five-year agreement. The letter states ten. I would hope that a motion we could pass today would be to do this for five years and then they would either accept or reject that, but they –, if they didn't accept it for five, then I'd say we're back to negotiations, but do this for five years, not ten. Commissioner McMasters said, well, I want to say that if we accept this today, I'd like to first say that I think, given this is only the 13th of September, that we do have ample time, and I'm not saying that we need to go all the way down to December 31st, but it took five years of a bad deal to run this County into the ground to the point that we are dealing with an 11½ million dollar shortfall. We could do very little for County employees in terms of a COLA. We had asked Russ [Abolt] to cut back substantially, and we're now at a position where we can actually do better in just a matter of days or weeks, and to move on this today would certainly hurt the County. It would cause us to deal with cuts for the next five years. The Libraries would be impacted, the health care would be impacted, we'd be in another budget crunch. So given the fact that this formal offer was only disseminated to the Commission this morning, and it doesn't address five or ten, I think postponing this until the next meeting is the most responsible thing we could do.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I'm disappointed in the fact that we appointed a team to negotiate this deal and then the Chairman went out on his own and negotiated this deal without Commissioner Murray's approval. Chairman Hair said, Commissioner, that is inaccurate. That is absolutely inaccurate. Within 10 minutes of the phone call that I got from the Mayor, I called Commissioner Murray and told him what the offer is. That is totally inaccurate. Commissioner Rayno asked, Commissioner Murray, is that true?

Commissioner Murray said, I got –, as I said earlier, I got a telephone message on my voice mail on Monday about the offer of 17½ and \$35. When I was able to get back in touch with Billy [Hair], I left a message, he left a message, and we finally talked with each other, I guess, it was on Tuesday. Chairman Hair said, right. Commissioner Murray said, that off had been pulled and we went to this new offer that we have in writing, but I just saw it for the first time today.

He did give me that offer on Tuesday. I told him then that I would like to see it in writing, but I'd also like to continue to negotiate.

Commissioner Rayno asked, did the Chairman tell you that it would be on the agenda for today? Commissioner Murray said, no. Commissioner Rayno said, no. So, the Chairman acted upon his own, without the committee that we appointed, to go out and do the negotiating, which the Chairman has oft to do in the past, which brought my earlier comments about him in a prior meeting, which I don't –, I don't consider to be out of line, I don't consider it to be disrespectful. I consider it to be a reflection of what I hear in the community, I consider it to be a reflection of what I hear from the republican party, who wants nothing more to do with him, and I think this is highly unfortunate –, highly unfortunate to [inaudible], and it's not right.

Chairman Hair said, Commissioner Kicklighter and then Commissioner Odell.

Commissioner Kicklighter said, thank you, Mr. Chairman. Man, I just –, that in my opinion was absolutely just not fair whatsoever. You know, we, the so-called gang of five, we've slapped things in front of this other group of people many a times without them having a clue that it was coming, and, you know, so what works for one should work for the other. So, I'll just state that I think this is a fair deal because simply the County's really not happy with it, nor are the cities, so it must be fair. You know, one side –, if one side is extremely happy with it, then that proves you're ripping off the other, and this is a good deal. This is something the cities can live with. They don't love –, they wanted to pay a lot less, and this is something the County can live with. We get a substantial increase and, you know, a lot of the cities that lost population and all, they'll probably lose money. Well, we know they will. Chairman Hair said, the City loses \$600,000 on this [inaudible]. Commissioner Kicklighter said, yeah. I mean, so some are actually losing money. We're gaining quite a bit here, and I believe it's fair, so I'll at this –, I at this time will make a motion to approve the LOST proposal from the City of Savannah, but with the exception of I'll –, let me change it to a five-year period, and I would also like to make for some of the municipalities with concerns that we will hire two account clerks for the Sheriff's Department to specifically work account billing for the municipalities. If there's ever a billing problem, which has been a major hang-up in these negotiations, then these two account clerks will be specifically there to do nothing but assure everyone that the correct figures are going out, and also with the understanding that drainage maintenance is included in this negotiation.

Chairman Hair said, okay. Do I have a second? Let's get a second to the motion. Commissioner Odell said, I'll second. Chairman Hair said, we have a second to the motion. Okay, Commissioner Odell is next and then do you want to make –. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I, too, would not agree with the ten year. Chairman Hair said, neither would I. Chairman Hair said, I think what we –, we must focus on is that we made such a bad deal so many years ago that this is an overwhelmingly great deal for the County now. However, a lot of the municipalities, it's a bad deal for them because they use this money in their budget, but they have a responsibility to pay for the jail, just as the State of Georgia has a responsibility. I mean, 90% of my constituents are in the City of Savannah. It's kind of like being torn between and betwixt. I don't think it's a happy medium. I think we had agreed on the negotiation in the Chairman's office with Frank [Murray] being there, John McMasters being there, on what we would consider. Do you recall that, John [McMasters]? Commissioner McMasters said, yes. Chairman Hair said, and it was less than this deal, and they both agreed to it.

Commissioner McMasters said, but –, Harris [Odell], would you allow me? The public needs to know that our agreement was to set a bottom line level, but to fight and negotiate and to dialogue all the way down from \$40 to \$30. That was as much a commitment and a promise and a pledge as was the two numbers, and for a deal to happen, you can't pull out two elements, ignore a third, and say I did everything I was supposed to do. You did not. It's going to cost this County, and we're going to run this County –, in an instance here, we're going to shortfall this County to the point that we will have to be looking at cuts and cuts and cuts, and it's not going to be popular, it's not going to be feeling real good to be a Commissioner up here when this money comes in short. So the fact that we made an agreement, yes, we made an agreement. Did we follow all the elements of our agreement? No, we did not.

Chairman Hair said, Commissioner Kicklighter –, Commissioner Odell still has the floor and then Commissioner Kicklighter.

Commissioner Odell said, John [McMasters], I really am concerned that –, we have new money in excess of \$3,000,000. New money. This has been a major time-consuming –, it is a give and take. The County must be in a relationship of a give and take with the municipalities. They're still citizens of Chatham County. Whereas we were getting zippo, we're now getting \$30 per day. So it has a 28-day cap, I really think that the Chairman has done an exceptional job and it has been very time-consuming. I know the paper's beaten up on us as far as our negotiation strategy. I think we can get more. Commissioner McMasters asked, well, then why aren't we? Commissioner Odell said, but my question is, if you live in Pooler, Thunderbolt, you're still Chatham County citizens and those municipalities we have gone from a dramatic change. I think we have corrected an error that we made in the past. I don't think we're 100%, I think that we are at a percentage that they can –, we can coexist with our municipalities, and that's what I want to do. That's what I want to do. I want us to live with the municipalities that make up –, the City of Savannah, Pooler, Garden City –, this could be devastating to some minor –, not minor, but municipalities that don't have a tax.

Chairman Hair said, Commissioner Odell still has the floor and then Commissioner Kicklighter and –, I'm sorry.

Commissioner Odell said, I don't want us to cannibalize each other. We talk about this gang of five, I want y'all to know Billy [Hair] is a republican too. I'm a democrat, but Billy has done a good job and it's taken a lot of time. I don't think in the middle of negotiations it benefits us to cannibalize our negotiator. Billy's been leading the strike on this, not Frank [Murray], Billy. Frank's been a member of the team, but Billy's been the one up at the board doing the numbers, taking all of the stuff from the municipalities. That's all I've got to say, and I'm a democrat.

Chairman Hair said, Commissioner Kicklighter –, thank you, Commissioner Odell. Commissioner Kicklighter and then Dr. Thomas.

Commissioner Kicklighter said, I would like to say one thing here. I don't even believe Commissioner McMasters really realizes what part came out on this one thing here is you agreed that you were part of the group that set a bottom line, but then we receive an offer over the bottom line and you say we're going to sink. John [McMasters], you know I think the world of you, I know how motivated you are and all, but if that's the case I wouldn't want any of y'all on my next negotiating team if y'all set a bottom line that we're going to sink on. I mean, I know the bottom line had to be something we can live with or you wouldn't set it there, and we exceeded that bottom line, and it's fair. It's good for the County and, like I said, it's good for all the municipalities, and that's why we should pass it.

Chairman Hair said, Dr. Thomas. Stay in order, and you're next. Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you. Is it not a fact that all of the municipalities are in agreement? Chairman Hair said, right. Commissioner Thomas said, with this. Chairman Hair said, that is correct. Commissioner Thomas asked, as well as the City of Savannah? Chairman Hair said, that is correct, Dr. Thomas. Commissioner Thomas said, then I would –, and just like somebody else has said, I know that it is not fair 100%. I would be in favor of the five-year plan, as opposed to the ten-year. Chairman Hair said, the motion is a five-year plan. Commissioner Thomas said, right. As opposed to ten years, and also it would give us in new money, monies –, \$3,000,000, right? Commissioner Kicklighter said, two to three. Commissioner Thomas said, two to \$3,000,000. Chairman Hair said, anywhere –, well, it's based at 2.6 to 3, depending on the population of the jail and, you know, sales tax. Commissioner Thomas said, right, but then we will be receiving \$30 a day –. Chairman Hair said, that's correct, and now we receive zero. Commissioner Thomas said, and now we're not receiving anything. So, either way you look at it, I seem –, it appears that it's a compromise between all entities, and that's where we are trying to get. It's not perfect. Perhaps the next go-round we can work some more on it.

Chairman Hair said, okay, Commissioner McMasters, Commissioner Rivers and then Commissioner Gellatly. Chairman Hair said, all right, Commissioner McMasters –, and then Commissioner Murray. Commissioner Rivers said, one question [inaudible]. Chairman Hair said, okay, Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. In response to Commissioner Kicklighter's observation that the tenets of our position were established, you failed to recognize the third component of what we preserved to be our strategy, and that was to recognize that time is on our side, to recognize that we would pursue dialogue from every point from \$40 to \$30. Within a matter of three or four days, we signed, sealed and delivered this deal, and, yes, the \$30 was achieved and, yes, the 17.5 was exceeded by one-tenth, but was the third component of our agreement and our commitment to the citizens of Chatham County fulfilled? Absolutely not. We pulled up our tent stakes and we went home. Commissioner Odell asked, can you restate the third? Commissioner McMasters said, yes. To not –, the agreement was to not just accept the basement right off the bat, realizing the clock was on our side and that we would discuss, debate, exchange dialogue, hold additional meetings, make facts and figures available, and really work for the citizens of Chatham County from \$40 all the way down the ladder, stopping at \$30. Well, we didn't even try to climb an extra rung. The bottom of the ladder was hit and we said, bingo, we're done, let's go home. Now, this morning Mr. Abolt is suggesting that we've got a \$1.5 to \$2,000,000 shortfall unexpectedly in the '03 budget, and now you're suggesting that we'll take in somewhere between \$2.5 and \$3,000,000. How much have we done to restore a fund balance after the work is done between the fuzzy math in the budget –, not faulting anyone –, now you've got less than a million dollars for all the effort, for all the time. We did not do due diligence. This was supposed to be an arrangement and it was an arrangement and it was agreed to. Harris [Odell], you were there, Frank [Murray] was there and we agreed to negotiate, and it was your suggestion, Harris, that we really negotiate this thing because we were the big dog in the picture, and we caved. I want to be on the record here for all future time, for the next five years of this agreement, if this thing passes, when we're short, it's not going to be because of my vote.

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, I just have one observation. Maybe I didn't understand this, but wasn't it true that at one point in time the City agreed to pay \$35? Commissioner Murray said, the message I had was 17½% and \$35. Commissioner Gellatly asked, why don't we send it back with the \$35 on it and the five years? Commissioner Murray said, sounds fine to me.

Chairman Hair said, we have –, let's deal with the motion on the floor first with the second. Commissioner Murray and then Commissioner Kicklighter.

Commissioner Murray said, let's really get our numbers right based on this. Commissioner Thomas, you were saying we would have approximately \$3,000,000 more. We're failing to realize that we're going to be losing roughly \$800,000

a year on our percentage, so that \$3,000,000 in the other will drop down to about 2.2 million dollars, and Russ [Abolt] has got something coming up to be, what, one point something that we've got to make up somewhere in your presentation that we're already willing to say, all right, we're going to make some changes and we're going to do that. We aren't going to have enough to cover that when it's all said and done, and this money really was based on the jail. I don't see any of it going to the jail at this point. Commissioner Rayno said, you're basing it on a staggering figure that the costs go up every year. Chairman Hair said, let's stay in order please. Commissioner Murray said, I would go along with you on that. I feel like we need to look at the higher figure. I don't --, I will not support this figure.

Chairman Hair said, okay, Commissioner Kicklighter and then Commissioner Odell and then --.

Commissioner Kicklighter said, the way this looks to me is basically to just put it in plain common sense, I guess, regular human being form, is it's kind of like us as kids running around. You can take on, on Halloween, you can sit a pot out there on the porch full of candy and some kids will look up there and they'll grab a couple of pieces, what they need. They'll get what they need, and then the one little brat that want's something, because he knows he can take that whole bowl, he takes it. That's what we're being here. It's not the fact --, we need to take what we need. We take what we need. Sure, they're scared to death. They know we've got some people with strong passion. They know when y'all threatened to drop the taxes, you'll drop the tax. So, yes, you could probably get --, you could probably get half the money that comes in. You probably could because they'll figure that's better than nothing. Commissioner Murray said, we can do that. Commissioner Kicklighter said, because they've got the fear that y'all would let it expire. But the thing is, we could do what's fair. Take what we need, give them what they need. They keep their taxes low, and I disagree. I used to say this all the time out in Garden City, we're looking out for Chatham County. You're darn right, those people in Garden City and Pooler and Savannah and Port Wentworth, they live in Chatham County, you know, so if we tax them over here or tax them in Garden City, however we get it, we cause their taxes to go up. So we found something fair where the municipalities can keep their taxes in line and the County can, so that's the right thing to do. Let's not gouge them just because we can, and there's no doubt in my mind --, I believe Harris [Odell] said --, I believe we can get more, too, but we've got what we need, and that's the thing to do for those people we represent out there. Let's take care of our house and help other ones when we can. That's it.

Chairman Hair said, myself and then Commissioner Odell and Commissioner McMasters. There is no doubt in my mind this is a fair deal. I won't sleep well tonight whether it passes or fails. There are people on this Commission that wants to pursue a scorched earth policy on everything they do, and I don't think scorched earth policies are good for this community. I think that this is a fair deal for every mayor, every city manager, the County Manager and this Commission and the citizens of this community. Could we get \$32 a day? Maybe, but I'll tell you the price you'll pay for that in the future far exceeds that \$2. At some point you have to do in your heart what you know is right. This is a right deal. You can vote it down today if you want to. It's the right thing to do. That's not going to change if this motion fails. It's still the right thing to do, and I would urge my fellow Commissioners to think about it. Commissioner Odell and then Commissioner McMasters.

Commissioner Odell said, I need to determine where we are as far as consensus. I hear that David [Gellatly] and Frank [Murray], you would support going up to \$35, is that true? Commissioner Murray said, I would go up to --, I would consider going to the original offer that I was told Floyd [Adams] offered. Commissioner Odell said, \$35 per day. Right? Commissioner Murray said, right. Commissioner Odell asked, is that 17.6 or is that 17.5? Commissioner Murray said, 17.5 and \$35.

Chairman Hair said, Commissioner, I have to stop you here. This has been the problem the whole time. You can't negotiate with nine people. Okay? And here we are as a group of nine people up here trying to negotiate something. That's why I --. Commissioner Murray said, well, let's just go home and let you do our representing. Chairman Hair said, well, that would be fine. Commissioner Murray said, let's go home then, and I make a motion we [inaudible]. Chairman Hair said, I'm telling you, there is a --, you cannot negotiate with nine people. I will tell you that, you know, we had a process --, we made more progress in the small meetings than we ever made in the big meetings, and the big meetings all we did was sit around for two or three hours and everybody got a chance to get on their soapbox and yell and scream and, you know, get political points and get their face on TV, but we didn't accomplish a thing. A thing. Nothing. Zero. I'm telling you it's a fair deal and if you try to tamper with it now, it --, the whole thing could fall apart and, I will tell you, this is not --, I was going to say I wasn't going to say this. I told Commissioner Odell, but I am going to say it, I have done the best I can do, and I know that this will please this end of the table, but I will not negotiate any further. I'll ask this Commission to replace me with somebody else to work with Commissioner Murray if this doesn't pass. I know that's what y'all want anyway, and I'll --, you don't even have to worry about it, I'll step down voluntarily from the negotiating committee because I've done the best I can do. I've offered a fair deal and that's the best I can do. Commissioner Odell and then Commissioner McMasters.

Commissioner Odell said, I think what appears to be a consensus of 17.5% and \$35 per day for five years, that that would just about get everyone except two people basically. Chairman Hair said, but that's not what the cities have agreed to, so we have to go back and start all over. Commissioner Odell said, we got --. Chairman Hair said, you're starting all over again. Chairman Hair said, I don't think we are, Billy [Hair], and I understand your frustration. If I'd gone through all this, as you have, I'd be probably irritated about it, too, but I think that they've made us an offer and I think that it is not unreasonable for us to make them a counter offer, and that counter offer is 17.5 and \$35, and we have a majority of this Commissioners who agree with that.

Chairman Hair said, all right, let's deal with the motion on the floor and then y'all can remake the motion at 17½ and \$35 if that's what y'all want to do. We have a motion and a second on the floor. Let's vote on that one and then you can -. All right, the motion is 17.6 and \$30. Chairman Hair and Commissioners Rivers, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno, McMasters, Murray and Gellatly voted in opposition. The motion carried by a vote of five to four. Chairman Hair said, the motion passes. Okay. Commissioner Murray said, I'm going to change my vote to a yes and ask for a reconsideration. Chairman Hair said, I don't think you can do it after the fact, can you? Commissioner Rivers said, I'm asking for reconsideration be entered on the minutes. I just want to hold it for two weeks to let them go back and see if they will agree. Chairman Hair said, well, y'all can appoint somebody else as negotiator because I choose not to do that. So, y'all can replace me however y'all see fit.

Commissioner Rayno said, I like to put John [McMasters] on as negotiator. Chairman Hair said, all right, is that a motion? Commissioner Rayno said, yes. Chairman Hair said, I need a second. Commissioner Odell seconded the motion. Chairman Hair said, John McMasters then to replace me as negotiator. Commissioner Odell said, well, they're going to pay us just not to have to deal with John.

Chairman Hair said, we have a motion and a second to put John McMasters on the negotiating committee in replace of me. All those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, McMasters, Murray, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners Rivers and Thomas voted in opposition. The motion carried by a vote of seven to two. Chairman Hair said, the motion passes, it's unanimous [sic].

Commissioner Rivers said, well, can we appoint to replace me. I'll move that we have Priscilla [Thomas] to replace me. Nobody's ever replaced me. Commissioner Gellatly asked, what happened to our counter offer?

Chairman Hair said, okay, so now the negotiating team is Commissioner Murray and Commissioner McMasters. Commissioner Rivers asked, would you go on the negotiating team? Chairman Hair asked, who? Commissioner Rivers said, Priscilla [Thomas]. Commissioner McMasters said, Harris [Odell]. Commissioner Odell said, not this Harris. Commissioner McMasters said, yes, that Harris.

Commissioner McMasters said, let me make a motion. That you empower me or authorize me to move forward with these negotiations with Frank [Murray] at a level -. Chairman Hair said, we've already done that. Commissioner McMasters said, yeah, well, hold on, Billy [Hair] -, at a level of \$35 a day and anything above 17½%. Chairman Hair said, you know, you know what? Y'all can do what you want to do, but let me tell you something. This is like playing games. Four Commissioners, four Commissioners meet in my office and say they will accept 17½ and \$30. We bring back something above that and now you want to move the floor up again. How in the world can you -. Commissioner McMasters said, Billy, that was provided that you negotiate on our behalf in all earnest at every level all the way down from \$40. It came in \$30 and you went home. Chairman Hair said, make your motion.

Commissioner Rivers said, Mr. Chairman. Commissioner Murray said, well, I want to ask-. Commissioner Rivers said, Mr. Chairman. Chairman Hair said, yes, sir. Commissioner Rivers said, the motion that passed was 17.6 -. Chairman Hair said, and \$30. Commissioner Rivers said, and \$30. Chairman Hair said, that's correct. Commissioner Rivers said, all right. Now, I asked for us to present that 17-point whatever it was back to them to see what we can get. Chairman Hair said, well, that's what Commissioner McMasters is saying, isn't it. Commissioner Rivers said, your motion -, no, your motion is on the floor. Your motion has won. You're home. The other part of it is we're going back -. Chairman Hair said, well, if you withdraw your consideration, it will. Commissioner Rivers said, no, we're going back asking them to -, for the 17.5 and \$35. Chairman Hair said, well, that -. Commissioner Rivers said, we just want to throw that out. Chairman Hair asked, why would you tell your negotiators and the public at large what your negotiating position is going to be? You're telling the cities you're going to go back with 17½ and \$35, you're telling your two negotiators, they already know what's going to happen. Commissioner Rivers said, well, if the cities -. Chairman Hair asked, I mean, how's that negotiation. Commissioner Rivers said, it's up to the cities whether they want to accept that or not. Commissioner McMasters said, yep, it's a bottom line, it's a new bottom line.

Chairman Hair said, okay, Commissioner Murray.

Commissioner Murray said, I would just like to know how the 17½% and the \$35 a day was given as a proposal from Floyd Adams to you, who authorized that, and why was it dropped immediately? Chairman Hair said, well, y'all can -. Commissioner Murray said, I don't think you can answer the question. Chairman Hair said, I don't know. You'd have to ask Mr. Adams. Commissioner Murray said, I mean, certainly something was there to make him drop it, and I don't think it was the other mayors saying, well, we can go so-and-so. I think they knew our bottom line and I don't know how they got it, but I think they knew it, and I'm not supporting it.

Chairman Hair said, you're next on the agenda, Commissioner Murray. Commissioner Murray asked, on what item? Chairman Hair said, on County appointments.

County Attorney Hart said, we need to clarify something. We had a motion that passed. We then had a motion made -. Commissioner Murray said, to reconsider. County Attorney Hart said, to reconsider and enter into the minutes that at that point did not have a second. Is there a second? Commissioner Murray said, yes. County Attorney Hart said, okay. Commissioner Rivers said, that doesn't need a second, we're entering it on the minutes. Commissioner Murray

said, reconsideration does not. Commissioner Rivers said, and then on top of –, I'm just asking them in good faith to go back and present what we're saying here. It could become a moot issue at the next meeting. I mean, folks, give 'em a shot.

ACTION OF THE BOARD:

1. Commissioner Kicklighter moved that the Board approve the LOST proposal from the City of Savannah of 17.6% and \$30 a day for a five-year period, that we will hire two account clerks for the Sheriff's Department to specifically work on account billing for the municipalities, and also with the understanding that drainage maintenance is included in this negotiation. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rivers, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno, McMasters, Murray and Gellatly voted in opposition. The motion carried by a vote of five to four.
2. Commissioner Rivers requested that it be entered on the minutes for reconsideration at the next meeting.
3. Commissioner Rayno moved that Commissioner McMasters be appointed to replace Chairman Hair as a negotiator for the LOST negotiations. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rayno, McMasters, Murray, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners Rivers and Thomas voted in opposition. The motion carried by a vote of seven to two.

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CHATHAM AREA TRANSIT AUTHORITY

The Board recessed as the County Commission at 2:50 p.m., and reconvened as the Chatham Area Transit Authority.

The Chatham Area Transit Authority was adjourned and the Board reconvened as the County Commission at 3:35 p.m.

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VIII. TABLED/POSTPONED ITEMS

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

- * 1. **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.**
 - **At meeting of August 23rd item was untabled, then tabled to September 13, 2002.**
- Staff is to bring back a single figure for developers and single-family homeowners.**
Presentation by Zoning Board of Appeals members and MPC representatives.

County Manager Abolt said, Madam Vice Chair, I don't see in the audience the contributors to this so, unless I missed someone, it may be necessary to keep this on the table until your next meeting. Vice Chairman Thomas said, keep it on the table. Is that okay? Okay. Now we come to the –.

Commissioner Murray said, wait a minute, whoa, whoa, just a minute. Vice Chairman Thomas said, all right. Commissioner Murray said, before we move from that. Do you want to address this anyway because we'd already met and we aren't doing what everybody thought we were trying to do. County Attorney Hart said, yeah, my understanding was –, the idea was –. Commissioner Murray said, that's why the people aren't here. County Attorney Hart said, just take it off –.

Commissioner McMasters said, Billy [Hair], talked to staff and we apologize. County Attorney Hart said, okay. County Manager Abolt asked, what are you doing? Commissioner McMasters said, we had –. We do want to take it off. Vice Chairman Thomas asked, you want to take it off the table? Commissioner McMasters said, yes. Vice Chairman Thomas said, okay. The Clerk said, we need a motion. Commissioner McMasters said, no, we're going to tell you what transpired. Commissioner Murray said, we're getting ready to. Why don't you –, do you want to make –, I'll move that

we remove this from the table. Commissioner McMasters are you ready for a second? Commissioner Murray said, yes. Commissioner McMasters said, second.

Vice Chairman Thomas said, all in favor. The motion to untable this item was carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried.

Commissioner McMasters said, at the request of Steve Day, the head of the County Zoning Board of Appeals, and by unanimous consent of his members, we set up a meeting with Jon Hart and I asked Frank [Murray] to attend. Mr. Day is a constituent of Frank, and we spent a considerable time addressing Mr. Day and his board's concerns about essentially due process to the individual citizen that may want to seek relief and, without the proper or comparable powers and authority as shared by the City Zoning Board of Appeals, the everyday citizen was essentially thrust up to the level of Superior Court and at a much greater cost to them. And while we all collectively in that meeting, including Emily Garrard, understood and were sympathetic to that situation, we realized through Mr. Hart's discussion that to try and amend this at this point would only complicate and present greater legal difficulties to staff. So with shared sentiment, we agreed to encourage Mr. Day and so by resolution today encourage the Zoning Board of Appeals to appoint two people to actively participate in the MPC tricentennial zoning review process, and that's why this is, I quite frankly feel, no longer necessary because everyone that was a party to it seems to be satisfied that this needs to flow into and be addressed within the scope of the tricentennial planning.

Commissioner Murray said, now –, can I speak? Vice Chairman Thomas said, yes. Commissioner Murray said, what we would like to do is make a motion as a recommendation to the MPC that they have an appointment to the committee to go through this process so they will have input. It's not to say that something or won't –, will or will not change, but we felt like they should have input within the process also, and so I would like to move that the Zoning Board of Appeals send y'all a name as a recommendation for the committee to go through the process. Commissioner McMasters said, I second that.

Vice Chairman Thomas said, okay. Discussion? Vice Chairman Thomas recognized Commissioner Rayno.

Commissioner Rayno asked, there's no funds required is there? Commissioner Murray said, no, no. There's no funding at all, no.

Vice Chairman Thomas said, okay. All in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

County Manager Abolt asked, what about the other item, which is the fees? Are you satisfied about the information from Mr. Newton? Commissioner Murray said, well –. County Manager Abolt said, and I don't have him here, but I'm just asking you. Commissioner Murray said, I don't think they have fees on this part, do they? County Manager Abolt said, yes, sir, it's part of the –. Commissioner Rayno said, they came up with that new fee –. Commissioner Murray said, I do not think the fee structure should be changed at this point. That's my personal feeling. I think it needs to be left alone. County Manager Abolt said, that's fine. Commissioner Murray said, it's still the 1180 developments, large developments, and what? Four something –, whatever it was for the –. County Manager Abolt said, four and change. Commissioner Murray said, and that will be addressed, I'm sure, through the process we're going through now with MPC. So, if it's –, I mean, that's my feeling. I don't know how the rest of y'all –, so that can then be taken off too. We don't need to keep that on there. County Manager Abolt said, yes, sir. Commissioner Murray said, okay, good.

ACTION OF THE BOARD:

1. Commissioner Murray moved to untable this item and place it before the Commissioners for consideration. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]
2. Commissioner Murray moved that the Zoning Board of Appeals be requested to submit to the Metropolitan Planning Commission the name of an individual to serve on the committee for the tricentennial zoning review process. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were 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. TO PRESENT INFORMATION FOR IMPLEMENTATION OF THE ADOPTED FY2003 BUDGET INCLUDING A LIMITED EXTENSION OF THE HIRING FREEZE. TO REQUEST BOARD APPROVAL OF A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$16,570 FOR THE AUDIT CONTRACT EXPENDITURE ACCOUNT, AND AMENDMENTS TO THE PROJECT BUDGETS IN SALES TAX FUND (1985-1993), SALES TAX FUND (1993-1998), AND SALES TAX FUND (1998-2003).

County Manager Abolt said, Dr. Thomas, gentlemen, this wraps up the budget. This, in effect, carries out your direction. It is very much on point. You gave me two figures that were exact to, in effect, show you where the cuts would be made. The first had to do with general government cuts of \$1,012,000. They're shown there. Also to accomplish a savings in vacancies of \$845,000. They are there, and then we're concluding and I've made --, I've taken the liberty of rather than making cuts from other departments on the issue of what remains in the audit contract, because of the potential --, not the potential --, the reality of a negative audit finding, if we're not allowed to expend that \$16,570 for the audit work, I've asked you to take it out of contingencies, and then the last item has to do with, in effect, the inclusion of a very comprehensive budget presentation by Mr. Bungard, which wraps up all the iterations of sales tax and provides the information we need and you will need going forward. If you agree to all this, I would also ask you to lift the hiring freeze with the exception of those positions that we've sent to you on page eight, and I will say just for the purpose of perfecting the record, the last evening we did give you an amended page five and amended page eight, but in both cases neither one backs from your direction to me and, in effect, we have done what you've asked us to do.

Commissioner Rayno said, Dr. Thomas. Vice Chairman Thomas recognized Commissioner Rayno. Commissioner Rayno said, thank you, Madam Chairman. This second page five which you sent, you said it complies with the direction that was given on August 9th. I think if you refer back to the August 9th minutes from the bottom of page 12 through page 13, there was discussion concerning what that direction would be and as you put in our --, back on information that we were to give you the latitude and you stopped the sentence there, but the sentence continued "with the exception of the Tax Commissioner's office," whose figure should be \$2,550,510. Now when you sent out the amended sheet from five last night, you show a vacancy reduction in Danny's [Powers] office of \$27,160, which gives his final figure \$2,523,350. Now that goes directly against what the direction of the Board was on page 13 of the August 9th minutes. We took a vote and said that that final figure was to be \$2,550,510. County Manager Abolt said, all that recognizes the fact that to date there had been vacancies accruing in his department. If you wish to change that, you can, but you do have the latitude, if you wish, to recognize that there had been certain positions in his department that had been vacant since the start of the fiscal year. That is your choice. Commissioner Rayno said, that would be my only choice. It was what was agreed upon, it was voted on and if we're to follow what our will was, that's what we need to do. County Manager Abolt said, I've had conversations with Mr. Powers that have been very productive, but you feel there's a need to do that, then in effect at least for the time being I would ask that --, and we'll make the necessary adjustments in vacancies --, that if you would just show --, reestablish his budget to \$2,550,000, whatever it is, and then between Mr. White and Mr. Kaigler, we'll accomplish a savings in salaries that will not draw down from Danny [Powers] has --, Tax Commissioner Powers has already contributed to the vacancies.

Commissioner Rayno said, with that caveat included I will make a motion to approve the direction that the County Manager has supplied us. Commissioner Gellatly said, second.

Vice Chairman Thomas asked, discussion? Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, Russ [Abolt]. County Manager Abolt said, yes, sir. Commissioner Murray said, the \$16,570 audit contract --. County Manager Abolt said, yes, sir. Commissioner Murray asked, we do this every year, don't we? County Manager Abolt said, yes, sir. What it was, again when the expenditures, you know, were reviewed by Commissioner Rayno and others, there was one last bit of work that had to be done by Mr. Tindol, and it amounts to our overhead study, and that's where we decide how much SSD should pay, how much SPLOST should pay and all that. It was not a function of a savings, it was a function the work was not done. We went back to the external auditor and said what are the ramifications if we don't do it and just use last year. He said, "Bang, if you do that, I'll give you a negative audit finding --." Commissioner Murray said, so we cannot use last year's money even though it was --. County Manager Abolt said, it was not a savings, sir. In effect, we have to do it and I do not feel that it was necessary to take that money from some other department. I feel, as a legitimate expenditure, drawing down contingency would be --.

Commissioner Murray said, that answered my question. My other question will be these numbers are not certified numbers yet, are they? County Manager Abolt said, no, sir. No, sir, but the numbers --, I'm sorry. Commissioner Murray said, which brings me to the other question. Throughout our whole budget process we kept being told that y'all's numbers are not certified. How can you adopt something using those numbers and they're not certified, and now we're doing the same thing with the numbers y'all have given us. These are not certified numbers either. County Manager Abolt said, there's no --, I mean this to sound --. Commissioner Murray asked, I mean, isn't it the same difference though? County Manager Abolt said, no, sir. I don't mean it the way it --, I'll watch my words. Commissioner Murray said, it's the same to me. County Manager Abolt said, no, sir. No, sir. You gave us direction to make reductions in certain budgets that were specific, namely \$1,012,000 in general government and \$845,000 in vacancies. There's no correlation to the audited figures other than the fact that the argument given was that there was an interpretation of the expenditures as of June that these would be savings, and I kept saying when you look at those as savings, it's not

savings because we don't have audited figures, but this decision is not tied to the audit. This decision is based on instructions you've given me that you have justified, I've made the cuts, we can go forward.

Commissioner Rayno said, it basically balances the budget. County Manager Abolt said, it balances the budget.

Commissioner Murray said, I understand all that, but what I'm saying though they still aren't certified numbers that we're dealing with. Commissioner Rayno said, that's absolutely right. You're making a point and everybody agrees with you. Commissioner Murray said, and the other side of that is, once they are certified, if we have funds come in and if we have funds that come in on what John [McMasters] had asked for that we discussed earlier in the meeting about any revenues owed the County over \$10,000 -. Commissioner McMasters said, receivables. Commissioner Murray said, in receivables, does that -. County Manager Abolt said, no, sir. Commissioner Murray asked, go in a fund balance -? County Manager Abolt said, no, sir. First of all, the general -, receivables are receivables. They, in effect, are booked as a receivable. The only time you might write them off going forward is when you have an audit report that says they're not collectible, but receivables are looked at in this case as money yet to be received, but they're counted, but there is no -. Commissioner Murray said, so you're already showing all this money that we're asking for in here.

Commissioner McMasters asked, can I clarify something? What I asked for in my memo was monies that were not reflected in the budget. Commissioner Rivers said, and receivables may be reflected because any revenue that you've got coming in through the year, normally they're projected in.

County Manager Abolt said, yes, sir, you're absolutely right. We're getting down in the minutia now. We'll go there with you if you wish, but first of all from the standpoint of the merits of your action today -. Commissioner Murray said, oh, I'm going to support the motion. That's not my intent. County Manager Abolt said, there's no reason to back off. Please remember, number one, receivables are booked as receivables and we expect to accomplish that some time. The reason it takes so long on Commissioner McMasters, he asked for a very detailed analysis as to why something may not have come in, assuming it has not come in, but the receivables are booked from the standpoint of they will be there. So it's not going to affect the outcome of the budget. The reason you have an audit obviously is to do more than just look at the expenditures to date in June, and you will have that figure sometime in the Fall from the standpoint of your budget, but please this is so critical. We are fighting this budget war on two fronts. The first front dealing -, you've really dealt with already, and I've implemented your strategy, is the going forward from 1 July to 30 June, 2003. The second front we have not addressed and it has to do with a negative fund balance. Anything that might come out of the audit that is good will address that hole, which now we estimate in several millions of dollars. So I don't want you to be misled. This deals with the going forward, it follows to the letter -, with the one exception which we're refining -, your direction as of the 9th of August, but I do not want you to be surprised when you receive that audit report in the Fall of the year. It'll be a continuation of the same information we gave you back in February of this year, given the deficit position that we're in.

Commissioner McMasters said, so it's not a balanced budget. County Manager Abolt said, yes, sir, it is a balanced budget. Commissioner Rayno said, he's referring to fund balance. County Manager Abolt said, the audit. No -, yes, sir, exactly. When I presented to you this budget document, I acknowledged that there was an 11-point something million dollar problem. Coincidentally, the number was repeated twice. It was in the analysis we gave you back in February that said to the best of our ability we're looking at an \$11.7 million hole, and just by the sheer luck of coincidence, the budget deficit you've now closed for the going forward happens to also be \$11.7, but you are still going to be faced with an audit report for M&O coming in the Fall that will not be flattering.

Vice Chairman Thomas asked, did we make a motion? Commissioner Rayno said, yes, ma'am, and a second. Vice Chairman Thomas asked, any further discussion?

County Manager Abolt said, and may I, just to clarify -, not clarify -, and you're also lifting the freeze with the exception of the positions on page eight.

Vice Chairman Thomas said, okay, no further discussion. Please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, no opposes. The motion is carried. Thank you.

ACTION OF THE BOARD:

Commissioner Rayno moved, with the exception of the reduction for vacancies shown in the Tax Commissioner's office and restoring the figure for that budget to \$2,550,510, that the Board approve the direction that the County Manager has supplied for implementation of the adopted FY2003 budget, including a limited extension of the hiring freeze; approve a General Fund M&O Contingency transfer of \$16,570 for the Audit Contract expenditure account, and approve amendments to the project budgets in Sales Tax Fund (1985-1993), Sales Tax Fund (1993-1998), and Sales Tax Fund (1998-2003). Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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2. PUBLIC HEARING ON LOCAL LAW ENFORCEMENT BLOCK GRANT.

County Manager Abolt said, Madam Chairperson, if you'd allow --, just open the hearing and then we can close it right away unless people want to testify. This is a formality of the Federal government. If we don't do it today, we lose the grant.

Vice Chairman Thomas said, okay. Do we have anyone out who wish to speak to this now? Please take the front seat and come up to the mike. Public hearing --, yeah, we have now officially opened the public hearing to discuss the local Law Enforcement Block Grant.

Commissioner Murray said, Madam Chair. Vice Chairman Thomas said, yes. Commissioner Murray said, I don't see anybody willing to speak, so I move that we close the public hearing. Commissioner Rivers said, second. Vice Chairman Thomas asked, any further discussion? Hearing none, please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, the public hearing is now closed. Thank you.

ACTION OF THE BOARD:

Commissioner Murray moved that, since no one appeared to speak on the issue, the public hearing for discussion of the Local Law Enforcement Block Grant be closed. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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3. PRESENTATION BY BUILDING SAFETY AND REGULATORY SERVICES ON WEB SITE INITIATIVES.

County Manager Abolt said, Dr. Thomas, gentlemen, this is slick. If you look at your monitors up here, you'll see what's already on the County's website. Commissioner Murray said, well, they were adjusted early this morning. They probably aren't going to work now. County Manager Abolt said, Greg [Anderson] has rehearsed this and Ricky [Morgan] has been here and rehearsed. Commissioner Murray said, we might have to do it without the TV. Yours is on; ours isn't on. Commissioner Rivers said, I can't see it. County Manager Abolt said, come on now. Please, come on. Now we're moving. Commissioner Murray said, it is possible.

Mr. Gregori Anderson said, I'd like to share with you this afternoon some of our website initiatives that we've started the beginning of this year to date within our department, and those initiatives are twofold, and I'd like to share a little bit of them with you this afternoon now. The first, as you see, you're on the County's website now, but if you click onto our department, then it takes you to this element and then to our website, and this is the website for the Department of Building Safety and Regulatory Services. On that website you'll see that there are two initiatives that are new. The first one, which we again did the beginning of this May, was a permanent tracking system we even call Perm-a-Tract, and what that does, it gives an applicant the opportunity, if you apply for a permit in our office, it gives you the opportunity to go online and check the status of that permit as it's going through the plan review process. It determines when it was --, when that process began, it gives us a time --, much time it's processed in our office, whether it's waiting for engineering approval, whether it's waiting for health department approval or any other outside agency, and that is being developed and being used by a number of the design and build community right now, and we're proud of that. You can access that either with the applicant's name, street address or PIN number, either one of those three items you put in the blank and click it and it brings that status of that application up. The second item is instruction --, and that's under what you see right now on the screen. We have the availability now online, and this is what's being passed out to you right now, to get the zoning forms for map amendments, text amendments, Zoning Board of Appeals from the MPC online.

Commissioner Rayno asked, are you using Hyperlinks or GIS with this, too? Mr. Anderson said, that's the next step for this. This is the first step and what you see, we just printed this out on the back of what you have in your hand. So it's as easy as that to download from the website, and it gives you all the applications, as well as the instructions for filing that information into our office. It saves --, it gives the public an opportunity to do that online. Also, it becomes the foundation for us to go to E-business, whereas, once we get to the point where they can actually apply for a permit and other activities online using a credit card, or whatever the case may be, then they can do this without even printing out the form, then they can do it online, make the payment and then shoot that information back to our department. So this is kind of a first step in that process. So, again, we have these two initiatives that we just wanted to share with you this afternoon to let you know that we do have a website that's being used. When we first put this on, I think the first day we got some 5,000 hits on this, and we certainly understand that some people just surf the Internet to look for new stuff, but we have --, people have used it, they have gotten the forms off the Internet, as well as people have used the Perm-a-Tract to track their permit applications within that process.

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters said, thank you, ma'am. Is this being created and administered out of ICS? Mr. Anderson said, actually it is, yes, it is. We've got a --, we worked with the ICS Department and this is something that we manage in-house, and this is something that we worked very closely with the ICS Department in developing.

County Manager Abolt said, you'll see a companion measure later on on the agenda that takes us to the next level, which we're very proud of.

Commissioner McMasters asked, how often is the information updated? Mr. Anderson said, we update it --, like I said, the last update was in May. We update it every six months or so. There's not a regular update, but we do monitor it. If there's new information, such as changes of fees or things of that nature, then we do update it. Commissioner McMasters said, no, I'm talking about, I think you touted one of the benefits of this is an applicant can track the progress --. Mr. Anderson said, oh, that's updated daily. Commissioner McMasters asked, daily? Mr. Anderson said, daily, that's correct, yes. Commissioner McMasters said, thank you.

Mr. Anderson said, thank you very much. Vice Chairman Thomas said, thank you.

ACTION OF THE BOARD:

Received as information.

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4. UPDATE ON 1998-2003 SPLOST REVENUE AND PLAN TO BALANCE PROJECTED SHORTFALL FROM THE CATEGORY OF "OTHER CAPITAL OUTLAY" (LOCAL GOVERNMENT PROJECTS).

County Manager Abolt said, let me, if I may, Dr. Thomas, gentlemen, begin the presentation. Vice Chairman Thomas asked, do we wish to entertain that at this point? Okay. County Manager Abolt said, Dr. Thomas and gentlemen, this goes back to 1997. Those on the Board then will remember that was a juncture in which you represented to the electorate a series of projects that would be voted up and also with the understanding that drainage and road projects had the top priority. There were other projects placed on there that had, in effect, a realization that they were bullish from the standpoint of revenue estimates, and if the money were not to come in, that the roads and drainage projects would not suffer, but in effect there would be towards the end of the five-year entitlement an adjustment based on revenues that were available. Mr. Monahan can come forward and be more specific, but now as we embark upon the last of the --, the last year of the five years, we see the revenue not coming in at that bullish rate. There's an estimated about \$5,000,000 reduction given the fact again that we have 12 more months of collections. We would like to be able to make some mid-course correction. We have outlined those and Mr. Monahan can speak on point to this. It has to do with a based intergovernmental agreement that made it possible in 1997 to go forward with the vote and an intergovernmental agreement has, in effect, been executed by each of the participating governments.

Commissioner Rayno said, I make a motion we go with Alternative One. Commissioner Murray said, second. Vice Chairman Thomas asked, discussion? Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, yes, ma'am. I was wanting to just bring another option in front of the Commissioners. It may be farfetched, but I'll throw it out there. On previous negotiation, if you'll notice, the City of Tybee Island received \$696,000 per year where all the other municipalities received \$458,000 per year although all of the other municipalities --, well, I say all of them --, some of them are much larger than Tybee Island and, you know, that's --, I would assume the responsibility of the previous mayors from both cities negotiating that number in allowing one of the cities that's actually smaller to go above them on their share, but with this cut it's going to really knock the municipalities down pretty low, the majority of them. What I'd ask this Commission to consider would be the possibility of --, and it can't happen without the municipalities agreeing to it, all of them agreeing to it, and I know that would be a long shot for Tybee to agree to this, but asking Tybee to split up its portion with the other larger municipalities --, not Savannah, but the other ones, smaller municipalities --, which would put all their totals at \$498,000 apiece, and then taking away the 15%, would make all of the municipalities receive \$423,000, and that wouldn't hurt a lot to them near as much, but again I know it's probably farfetched, but in the spirit of what some of us talk about just being --, trying to be fair, everyone being fair with everybody --, maybe Tybee would agree to come down to the level of all of the other municipalities.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, yeah, Russ [Abolt] --. County Manager Abolt said, sir? Commissioner Murray said, just for clarification. Tybee --, in this money was money allocated to purchase fire engines. Is that correct? County Manager Abolt said, sir, that was in our entitlement. There was a total of \$33,000,000 was allocated for other capital projects, and the County was the only one --. Commissioner Murray asked, where did the million dollars that Tybee had come from for the renourishment of the beach? County Manager Abolt said, they also --, there were different categories, but the one I'm referencing is the category called "Other Capital Improvements." There then was a specific allocation to the City of Tybee of \$3,000,000, a portion of which was to go to beach renourishment. Commissioner Murray said, Tybee had more money in to begin with. County Manager Abolt said, yes, sir, and it --. Commissioner Murray said, and there was a reason for that, if you'll tell it. County Manager Abolt said, well, one item --, I can't recall exactly because I think you and I were a party to that, but the listing that I have for Tybee --, their entitlement over and above the \$3,000,000, the projects that they decided were community center, a gymnasium, marine science center, lighthouse renovation, and that was totaling just shy of \$700,000. Commissioner Murray said, I would like to see it stay like it is.

Commissioner Kicklighter said, well, in –. Commissioner Murray said, I make a recommendation that we –, well, the motion's for it.

Commissioner Kicklighter said, well, I do I understand Commissioner Murray wanting it to stay that way. Tybee is strictly in his district –. Commissioner Murray said, that's right. It's the only one I've got. Commissioner Kicklighter said, and I know you did a heck of a job –, you did a heck of a good job getting them more money in the agreement. I mean, that's a great job and I understand and I don't blame you for opposing it, but I would ask the rest of them to try to –, the Commissioners to try to be fair throughout the entire County, but I don't blame Commissioner Murray for voting against it whatsoever.

Commissioner Murray said, Russ [Abolt], what he's talking percentage of what they originally were going to get anyway, and that's the way it's calculated and I think it's the only fair way to calculate it, regardless of who gets more or less. So –, but anyway.

Commissioner Kicklighter asked, wouldn't this be an actual another extension of it is what this is? Another extension? Commissioner Murray said, no, this is modification where we cut the amount of –. County Manager Abolt said, this is the last year –. County Attorney Hart said, it's based on revenue received. Commissioner Murray said, that's what I was talking about. Commissioner Kicklighter asked, the new agreement coming up? County Manager Abolt said, if you'd like my opinion –. Commissioner Kicklighter said, please. County Manager Abolt said, I think you're in your last year of a five-year agreement that's worked very well, and you're going to hopefully be about crafting a new agreement –. Commissioner Kicklighter said, right. County Manager Abolt said, – for the amount of good will that might be lost in this, you might want to reevaluate your position and allow Mr. Monahan's proposal to go through and then deal with any inequity –. Commissioner Kicklighter said, thank you. That's what I was thinking this was a part of the new –. County Manager Abolt said, I'm sorry, sir, no –. Commissioner Kicklighter said, the new agreement. County Manager Abolt said, it's the last year, this is the last –. Commissioner Kicklighter said, I thought this was the new –. Commissioner Murray said, no, this has nothing to do with the new one. Commissioner Kicklighter said, okay.

Vice Chairman Thomas asked, any further discussion? Hearing none, I call for the question. Please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

ACTION OF THE BOARD:

Commissioner Rayno moved to amend the "Other Capital Outlay" in the 1998-2003 SPLOST to recognize the projected shortfall in funding sales tax collections, as per Attachment 1, and approve sending letters to the cities and agencies of a 15% reduction. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present.]

Attachment 1

1998-2003 SPLOST Distribution of "Other Capital Outlay" (local govt. projects)								New Amount	
	TOTAL						less 15%	Decrease	
Bloomingtondale	\$458,703						\$389,898	\$(68,805)	
Garden City	\$458,703						\$389,898	\$(68,805)	
Pooler	\$458,703						\$389,898	\$(68,805)	
Port Wentworth	\$458,703						\$389,898	\$(68,805)	
Savannah	\$16,292,341						\$13,848,490	\$(2,443,851)	
Thunderbolt	\$458,703						\$389,898	\$(68,805)	
Tybee Island	\$696,428						\$591,964	\$(104,464)	
Vernonburg	\$87,053						\$73,995	\$(13,058)	
County	\$14,112,663						\$11,995,764	\$(2,116,899)	
Total	\$33,482,000						\$28,459,700	\$(5,022,300)	
County's Share of 15% Reduction of "Other Capital Outlay"									
ARTS, CIVIC AND CULTURAL ALLOCATIONS							New Amount		
	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL	less 15%		
Greenbriar	\$290,000	\$290,000	\$300,000	\$300,000	\$300,000	\$1,480,000	\$1,258,000	\$(222,000)	
King-Tisdell	\$290,000	\$290,000	\$300,000	\$300,000	\$300,000	\$1,480,000	\$1,258,000	\$(222,000)	
Lucas	\$190,000	\$190,000	\$200,000	\$200,000	\$200,000	\$980,000	\$833,000	\$(147,000)	
Telfair	\$190,000	\$190,000	\$200,000	\$200,000	\$200,000	\$980,000	\$833,000	\$(147,000)	
Tybee Marine	\$50,000	\$0	\$0	\$0	\$0	\$50,000	\$50,000	\$0	
Tybee Lighthouse	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$350,000	\$297,500	\$(52,500)	
Ogeechee Canal	\$190,000	\$190,000	\$200,000	\$200,000	\$200,000	\$980,000	\$833,000	\$(147,000)	
Library:technology	\$180,000	\$230,000	\$230,000	\$230,000	\$230,000	\$1,100,000	\$935,000	\$(165,000)	
Senior Citizens	\$50,000	\$50,000	\$0	\$0	\$0	\$100,000	\$100,000	\$0	
SUBTOTAL	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$1,500,000	\$7,500,000	\$6,397,500	\$(1,102,500)	
FIRE SAFETY EQUIPMENT							\$2,400,000	\$2,040,000	\$(360,000)
OTHER FIRE SAFETY EQUIPMENT									
CEMA	\$0	\$250,000	\$0	\$0	\$0	\$250,000	\$250,000	\$0	
EMS/Police						\$80,000	\$80,000	\$0	
SUBTOTAL	\$0	\$250,000	\$0	\$0	\$0	\$330,000	\$330,000	\$0	

OTHER								
Trade Center (CO 20)						\$1,520,000	\$1,520,000	\$0
Riverwalk Extension						\$2,000,000	\$1,700,000	\$(300,000)
TOTAL (ALL)						\$13,750,000	\$11,987,500	(\$1,762,500)

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5. UPDATE ON RIVERWALK EXTENSION ON HUTCHINSON ISLAND AND PROCEEDING WITH PROJECT SUBMITTAL TO THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR FUNDING.

County Manager Abolt said, this keeps the project moving. Mr. Monahan can explain it, but essentially by dividing it into two phases we will not jeopardize the State and Federal money that's available.

Vice Chairman Thomas recognized Mr. Patrick Monahan.

Mr. Monahan said, thank you. Back again on this project. Got the archeological report back and I guess at some point you feel rather excited when you read the historical information about this site because it does tell an interesting story about the history of maritime on Hutchinson Island, but on the other hand it's causing quite some difficulties in getting the project recognized by the Federal government and by the end of the fiscal year in order for the project to move forward and for the County to receive 80% of the construction funding from the Federal government. What I'm proposing at this point, rather than delay the project any more, would be to subdivide the project into two sections, Section One and Section Two, just -, or Phase One, Phase Two -, for no better way to describe it. Phase One would be approximately 1,700 feet in length. We would proceed with that immediately, get the paperwork to the Georgia Department of Transportation, get the project recognized as a federally funded project and at least proceed with that, and then in hopes of, at the time the State will actually bid and award the project, during that interim period of the State handling the construction side, the County would proceed to handle the archeological side, and then try to get the second phase done so that as the first phase is completed, then we can move -, coordinate it to the second phase. That would be the ideal situation, but given the extent of some of the archeological findings, that may not happen, so I did want to put in there the caveat that subdividing the project does threaten the potential that it would be developed as a yachting basin because if the shoreline cannot be hardened all the way around the corner on the southeast corner towards the Savannah River, then the dredging cannot take place, and if the dredging cannot take place, then it cannot be prepared for a yacht basin.

Commissioner Rayno said, sorry for this question, but was it \$2,000,000 in savings for SPLOST if you didn't go forward with it? Is that the amount? Mr. Monahan said, actually, since we just cut 15% from this project as well as all the others, it would be \$1.7 million. Commissioner Rayno said, 1.7. Let's say there was a will -, and I don't know if there is, I'm just throwing things out for discussion -, but there was a will not to go ahead with the project, how far would that \$1.7 million go towards upgrading our parks and boat ramps that we have in huge disrepair around the County? Commissioner Murray said, well, it would have to be -, it could not be used for maintenance. It would have to be a capital improvement. Mr. Monahan said, yeah, it would have to be -, we would have to package it as a renovation, as a park renovation project because it could not be used for maintenance purposes, Commissioner Murray's right, but we have done that in the past where we have described it as a project upgrade or a renovation and done them en masse. Commissioner Rayno said, I guess the reason I asked the question, it just always seems foolish to me to start something brand new when we've got things that we own -. Commissioner Murray said, now as far as the boat ramps, we could come in and pave the parking lots, and that would be a capital improvement, it wouldn't be a maintenance thing, so -. Commissioner Rayno said, they're utilized, but I always get complaints about them. For instance, Skidaway Narrows, the end of the boat ramp, they get down far enough on low tide they shear a tire. Commissioner Murray said, I went behind my boat the other day and somebody had backed their whole car down there trying to get the trailer out. I couldn't believe it. They just kept running the boat up on it. Commissioner Rayno said, my suggestion would be not to start a new project, which is plagued already with problems, but to go back to our parks which have been there for years and utilized by all the citizens around the community, and fix them up the way we've always promised we would when we had the money available.

Vice Chairman Thomas said, Commissioner Murray and then Commissioner McMasters. Are you through Commissioner Rayno? Commissioner Rayno said, yes, I am. Vice Chairman Thomas said, thank you. Commissioner Rayno said, thank you.

Commissioner Murray asked, what's the time frame on this? I guess -. Mr. Monahan said, I basically have two weeks. Commissioner Murray asked, and if it's not done within two weeks -? Mr. Monahan said, if it's not a federally-approved project by the end of this fiscal year, then the project disappears off the Federal books and we lose roughly \$6,000,000 in Federal funding. Commissioner Murray said, okay.

Commissioner Rivers said, Madam Chair. You know, everybody looks at -. Vice Chairman Thomas said, just one moment. Do you want to yield to him? Commissioner McMasters said, sure. Vice Chairman Thomas recognized Commissioner Rivers. Commissioner Rivers said, you know everybody looks at, and I'm sure we've got a lot of things that we need to repair, but one of the biggest things that I went for when we looked at developing Hutchinson Island was

the increase in revenue in tax base, and I think when you can have a generator that generates the dollars, then you can utilize it to do all the things that we need to do on a continuous basis. I just don't like one-time money, and I think any development that's going to enhance our tax base, we need to do that. Commissioner Murray said, I agree and I think we need to move forward with this one, too, and to me it's kind of sad that that property, once we got it developed, was annexed into the City, but that's another story.

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters said, refresh my memory. We had discussed, I think, in a prior meeting some of the costs associated with this archeological process as being recoverable in a future lease agreement. Mr. Monahan said, yes, sir. Commissioner McMasters asked, is that –, wasn't that what we –? Mr. Monahan said, that would be jeopardized. Commissioner McMasters said, okay. And we've already spent that money? Mr. Monahan said, yes, sir, approximately \$30,000. Commissioner McMasters said, okay. Are there additional costs –, if we go ahead and split this into two phases to go ahead and capture the revenue, are we going to create some additional costs for ourselves in the splitting that could be recoverable on top of the monies that we've already talked about? Can you assure us that any down side that the County –, any down side liability the County may experience due to splitting this into two phases is recoupable in your negotiations with future lease tenants? Mr. Monahan said, well, first, let me say that if we do not do it that way, then there's no chance of recovering it. Commissioner McMasters said, that's clear. Mr. Monahan said, okay, if we're able to divide it in and do the additional archeological that's required –, and I don't know that the State Historic Preservation office will require the County to go through an excavation project. I think all the State Historic Preservation office is looking for documentation and recording of the information. I don't think that anyone suspects that the County's going to try to extract the remains of four vessels that were placed there in the late 1890's. I don't think that's the issue. I think it's just a matter of the County, one, beginning an underwater exploration at a depth of about 25 feet to determine whether the remains there are modern day remains or historic remains, and then recording what those remains might be, and then the second site there are approximately four vessels, or the remains of what they believe to be four vessels and they also have to be further documented and recorded –, the \$30,000 study on the archeological only did on a preliminary basis, some initial probing, and then a rather thorough review of the history of the Island. So, the second phase of that would be –, include some additional archeological work. If we're able to do that in time, then yes, then we can proceed with the plan as originally envisioned, which would be the additional 200 feet along the southeastern corner of the slip, turn the corner 100 feet parallel to the Savannah River, that would harden the edge, and then allow the County to proceed with doing the dredging and then we could proceed with entering into a ground lease for the development of that yacht basin, and under that ground lease, yes, the County would recover all the –, that expense. Commissioner McMasters asked, and you're going to keep track of all the –. Mr. Monahan said, yes sir, it's very to do because they're all change orders and each change order is easy to track, and at the top of my list when we enter into the ground lease will be the value of the County's improvements, far market value, plus the additional cost of these studies. Commissioner McMasters said, okay. And did we not agree that that cost would be recovered –? Mr. Monahan said, in the ground lease, yes, sir. Commissioner McMasters said, in the ground lease, not spread that over the terms of the deal. Mr. Monahan said, yes, sir, I heard you loud and clear. Commissioner McMasters said, all right, and my last question is if we find, just projecting out, if the second phase of this exploration finds what the State determines or considers to be extremely significant archeological materials, how far down this road are we going to go? Just, you know, conjecture on your part. Mr. Monahan said, I don't –. Commissioner McMasters said, when does the project –, not to interrupt –, but when does the project not become viable for the County any longer, vis-à-vis archeological development? Mr. Monahan said, if I would have to come back to this Board and ask for further consideration of additional funding, the chances of that would be nil. So I would say at that point the project ends. Commissioner McMasters said, okay, fair enough. Mr. Monahan said, thank you.

Commissioner Rivers said, I move that we –, Madam Chair, I move that we accept Alternative One. Commissioner Murray said, second. Vice Chairman Thomas asked, any further discussion? All in favor of the motion, please vote. Vice Chairman Thomas and Commissioners Rivers, McMasters, Murray and Gellatly voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of five to one. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, one opposition, okay.

ACTION OF THE BOARD:

Commissioner Rivers moved to authorize proceeding with project submittal of the riverwalk extension around Slip 1 on Hutchinson Island to the Georgia Department of Transportation (GDOT) in two phases, as described in Facts & Findings 4 and 5 of the staff report, including a 20% match of construction funds; this would enable funding authorization for Phase One of the project, but with the risk that the certainty of Phase Two would depend upon funding and/or the outcome of further archeology studies. Commissioner Murray seconded the motion. Vice Chairman Thomas and Commissioners Rivers, McMasters, Murray and Gellatly voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of five to one. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

Excerpt from staff report - Facts & Findings:

4. Phase 1, which would be submitted now as a project to GDOT, would extend the riverwalk until about 200 feet from the southeast corner of Slip 1. While this means the project can progress within the deadline, it will alter several project goals.
 - G The riverwalk will cease short of its planned termination on the Savannah River and appear unfinished.
 - G Without a bulkhead, the southeast corner of Slip 1 will continue to erode.
 - G The opportunity to seek a ground lease for a private developer to invest in the floating dock system for a yacht basin will become threatened. Without a bulkhead, the necessary dredging to reach a depth of 28 feet at MSL cannot be achieved.
5. The above-stated option would enable work to begin on Phase 1 while Phase 2 of the project continues through the next steps of assessment and impact studies. The goal of Phase 2 would be to complete the historic review so that construction could proceed in an orderly manner in coordination with Phase 1; however, some risk would be anticipated. The federal funding may not be extended to allow for the division of the project into two phases, or the archeological work would become too expensive to complete as a local project. Phase 2 would become solely Chatham County's funding responsibility, which means it probably would not be completed.

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6. DECLARATION OF PROPERTY ON OATLAND ISLAND ROAD AS SURPLUS AND PROCEEDING WITH SALE.

Commissioner Murray said, move for approval. Commissioner Gellatly said, second. Vice Chairman Thomas asked, any discussion?

Commissioner Murray said, oh, yeah. The only discussion I've got how we going --, are we going to put this out for bids or how are we going to do it? I don't want to see us get into selling it to another government agency where there's no taxes paid on it. Commissioner McMasters said, agreed. County Manager Abolt said, you have approved, I'm assuming, in the motion the recommendation of Mr. Monahan that we would actively --, actively market this via a realtor and fully expect competition and interest by the private sector.

Commissioner Rayno said, the appraisal's like 800-and something thousand dollars. County Manager Abolt said, \$811,000. And that's -- we hope it's a lot more than that.

Commissioner Murray asked, we're not going in and do any subdividing or anything, and it's going to be sold as one tract of land, is that correct? Mr. Monahan said, yes, sir, the County will sell it as one parcel of land under its current residential zoning, but the property can be subdivided into seven parcels, and I think that's what's going to generate the interest from a private developer. Commissioner Murray said, seven --, what size parcel? Mr. Monahan said, seven parcels, according to the MPC --, now this was information I checked on probably two years ago, three years ago --, I asked them to take a look at the site and tell me how many parcels it could be subdivided under current regulations, no variance, no special conditions, but just as it sits, and I was told seven parcels. Those would be seven parcels for residential development, single family. Commissioner Murray said, you've got some low land there, too.

County Attorney Hart said, I don't think you're going to see a high intensity development there. The reason for that is twofold. One, you've got to get water and sewer to it; you've got to cross a very navigable stream and getting permits to do that are probably slim to none; and, second, you've got an awful lot of wetland and you're going to have to put in some sort of a system that will percolate. I really don't see it being able to stand much more density than about seven. Commissioner Murray said, what you have deep water around two sides --, three sides. County Attorney Hart said, you might get nine or eight, but it isn't going to be 40 condominiums.

Commissioner Rayno said, and also it goes into our contingency fund. Commissioner Murray said, yeah, that's right.

Vice Chairman Thomas said, I'll call for the question. Please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

Commissioner Murray moved to declare as unserviceable (surplus to County needs) an 11-acre tract of land on Oatland Island Road on Whitemarsh Island (PIN1-0124-03-005, described as Lots 45, 46, 47, Riverside Subdivision, Whitemarsh Island), and authorize staff to proceed with competitive bids for services of a commercial real estate agent in accordance with services noted in Facts & Findings 3 of the staff report. Commissioner Gellatly seconded the motion and it carried unanimously.

Excerpt from staff report - Facts & Findings:

3. Aggressive marketing by a commercial real estate broker will be essential to ensure that the County receives highest value for the property. The Realtor will be responsible for:
- G Developing a sales prospectus that can be distributed to interested parties.
 - G Providing an estimated value of the property for use in determining a minimum asking value.
 - G Provide a listing of the property in relevant real estate guides to promote its availability. In particular, use of the *Multiple Listing Service* provides a medium that has proved successful in prior sales.
 - G Direct marketing to professional groups of prospective buyers interested in it.
 - G Provide showings of the property as well as provide zoning and use advice to prospective buyers (always in representation of the seller, the County).
 - G Handle all calls related to sales requirements.

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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.)

Commissioner Rayno said, please pull 7. Vice Chairman Thomas said, #7. Commissioner Rayno said, yes, ma'am. Commissioner Murray said, and I've got Item C -. Vice Chairman Thomas said, C. Commissioner Murray said, and -, wait a minute -, M. Vice Chairman Thomas said, M.

Commissioner Rayno said, I'd live to approve the balance of -. County Manager Abolt said, I apologize. Number 3, I understand that Mr. Stillwell is yet to review it, so we would ask you to not act on Number 3 also. Commissioner Rivers said, I move that 3 be removed. Commissioner Murray said, well, why don't we just table 3 to the next meeting. Isn't that what he wanted to do. Commissioner Rayno said, we've got a motion to table #3, please. Vice Chairman Thomas said, okay, do we have a second? Commissioner Rayno said, Frank seconded it. Commissioner Murray said, yeah, and approve the balance of them, right. Commissioner Rayno said, yeah, and approve the balance. Vice Chairman Thomas said, okay. All in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

ACTION OF THE BOARD:

Commissioner Rayno moved that the Action Calendar be approved in its entirety with the exception of Items 3, 7, 11-C and 11-M. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter 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 23, 2002, AS MAILED.

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the minutes of the regular meeting on August 23, 2002, as mailed. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD AUGUST 15 THROUGH SEPTEMBER 3, 2002.

ACTION OF THE BOARD:

Commissioner Rayno moved that the Finance Director is authorized to pay claims for the period August 15, 2002, through September 3, 2002, in the amount of \$6,550,371. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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- 3. REQUEST BOARD APPROVAL OF INTERGOVERNMENTAL AGREEMENT WITH STATE FOR UNIFORM SYSTEM OF DIRECT ELECTRONIC VOTING EQUIPMENT. (NOTE: ITEM POSTPONED FROM THE AUGUST 23, 2002, MEETING AT THE REQUEST OF MR. STILLWELL.)**

ACTION OF THE BOARD:

Commissioner Rayno moved to table this item to the next meeting. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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- 4. REQUEST BOARD AUTHORIZE THE CHAIRMAN, COUNTY ATTORNEY, CLERK OF THE COMMISSION AND COUNTY ENGINEER TO SIGN ALL REQUIRED DOCUMENTS TO ENABLE CHATHAM COUNTY TO PARTICIPATE IN A SUPPLEMENTAL EDITION OF THE LARP WITH GDOT FOR THE RESURFACING OF COUNTY ROADS. [ALL DISTRICTS.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to authorize the Chairman, County Attorney, Clerk of the Commission and County Engineer to sign all required documents to enable Chatham County to participate in a supplemental edition of the Local Assistance Resurfacing Program (LARP) with the Georgia Department of Transportation (GDOT) for the resurfacing of the following County roads: Old Whitfield Avenue, 1.526 miles; Marshview Road, 0.198 miles; Hollow Oak Drive, 0.214 miles; Old Grove Point Road, 0.331 miles; Oemler Loop, 0.824 miles; Amanda Drive, 0.238 miles; Barrington Circle, 0.355 miles; and Whittington Drive, 0.181 miles. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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- 5. REQUEST FROM PHILLIP MCCORKLE ON BEHALF OF THE ADJACENT PROPERTY OWNERS, PAM AND JOHN GRIMES AND HEYWARD GIGNILLIAT, JR., TO DECLARE THE 25-FOOT WIDE RIGHT-OF-WAY OF SHORE ROAD FROM LEHIGH AVENUE TO SHIPYARD CREEK SURPLUS AND TO QUITCLAIM THE PROPERTY TO THEM BY SPLITTING THE RIGHT-OF-WAY LONGITUDINALLY. [DISTRICT 1.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the request from Phillip McCorkle on behalf of the adjacent property owners, Pam and John Grimes (PIN 1-0508-03-018) and Heyward Gignilliat, Jr. (PIN 1-0507-03-001D), to declare the 25-foot wide by approximately 840 foot long portion of Shore Road right-of-way from LeHigh Avenue to Shipyard Creek surplus and quitclaim the property to them by splitting the right-of-way longitudinally upon the following conditions: (1) The petitioners must pay the County the fair market value for the right-of-way to be determined by a professional appraisal, and provide the necessary appraisals, deeds and plats at their expense; (2) A 25-foot wide drainage easement over the entire length of the quitclaimed right-of-way must be provided to the County by the petitioners; and (3) the easement must contain a legally-adequate clause requiring the petitioners to remove any man-made obstructions inside the easement at their expense at such time the County elects to use the easement for a drainage improvement project. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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6. REQUEST BOARD APPROVAL TO PROCURE COUNTY WEB SITE/E-GOVERNMENT PRODUCTS AND SERVICES.

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the request to solicit competitive proposals to provide a new web site for the County with departmental content management; integration of County databases for on-line research; and staff training; this new web site to be a platform for future development of commercial web applications when budgeted maintenance and hosting funds are available. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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7. REQUEST BOARD AFFIRM THE CHAIRMAN'S SIGNATURE FOR THE CONTRACT BETWEEN THE CHATHAM COUNTY SUPERIOR COURT DRUG COURT AND THE GEORGIA DEPARTMENT OF HUMAN RESOURCES.

Commissioner Rayno said, it was a pleasure that ask that Judge Bass of the Regional Board to make a presentation, and he did an excellent job, and it was through that meeting that he met the right people, and because of all that chain of events, he came back with \$160,000 grant for his drug court, which a beautiful thing. Vice Chairman Thomas said, wonderful. Commissioner Rayno said, and I'd like to make a motion to approve. Commissioner Murray said, second. Vice Chairman Thomas said, all in favor. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

ACTION OF THE BOARD:

Commissioner Rayno moved to affirm the Chairman's signature for the contract between the Chatham County Superior Court Drug Court and the Georgia Department of Human Resources. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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8. REQUEST BOARD APPROVAL FOR JUVENILE COURT TO APPLY FOR GRANT FUNDS THROUGH THE CHILDREN AND YOUTH COORDINATING COUNCIL.

ACTION OF THE BOARD:

Commissioner Rayno moved to authorize the Chairman to execute an application for the Juvenile Court to apply for grant funds totaling \$51,280 through the Children and Youth Coordinating Council. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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9. REQUEST BOARD APPROVAL FOR CHAIRMAN TO SIGN A GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE FOR A REDUCING COMMUNITY GUN VIOLENCE: PROJECT SAFE NEIGHBORHOODS GRANT.

ACTION OF THE BOARD:

Commissioner Rayno moved to authorize the Chairman to sign a two-year grant application to the Bureau of Justice Assistance for a Reducing Community Gun Violence: Project Safe Neighborhoods Grant. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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**10. RENEWAL OF SUNDAY SALES LICENSE FOR 2002. PETITIONER: MAGDA CASTELLANOS, D/B/A JALAPEÑOS MEXICAN RESTAURANT, LOCATED AT 7405 SKIDAWAY ROAD.
[DISTRICT 1.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Magda Castellanos, d/b/a Jalapeños Mexican Restaurant, located at 7405 Skidaway Road, for renewal of Sunday sales license for 2002. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Final renewal of an annual contract to provide a Day Reporting Center for children under the supervision of Juvenile Court who have been suspended from school	Juvenile Court	Chatham-Savannah Youth Futures Authority	Not to Exceed \$17,000	General Fund/M&O - Juvenile Court (Children Youth Coordinating Council Grant)
B. Change Order No. 1 to the contract to provide instruction to and supervision of youth under the jurisdiction of Juvenile Court in a community service work program to increase scope of service by adding supervisory responsibilities on an "as needed" basis	Juvenile Court	Rhonda Ancrum	•\$14 per hour for service provider •\$22.50 per hour for supervisory service	Supervision fees collected by Juvenile Court
C. One year extension to the annual contract to provide banking services for Chatham County	Finance	Wachovia Bank, NA	No cost to the County	General Fund/M&O - Finance
D. Termination of a contract and award of a contract to provide laser printer toner cartridges and dot matrix printer ribbons	Various	•Terminate with: Toner Warehouse, Inc. •Award to: Media South Computer Supplies	Varies by item	•General Fund/M&O - Various •SSD - Various
E. Termination of a contract and award of a contract to provide various paper and chemical supplies	Various	•Terminate with: Unisource Worldwide, Inc. •Award to: Paper Chemical Supply	Varies by item	•General Fund/M&O - Various •SSD - Various
F. Annual contract with automatic renewal options for two additional one year terms to provide attendant services at the Chevis Road Recycle/-Drop Off Center and Sharon Park Recycle/Drop Off Center	Solid Waste	•Jack Douglas (Chevis Road) •James Lexie (Sharon Park)	•\$24,000 •\$21,600	Solid Waste
G. Annual contract with automatic renewal options for two additional one year terms to provide "on site" yard waste processing services at the Thomas Avenue Landfill and transport all processed materials to a local industry	Solid Waste	Evergreen Tree and Turf Care, Inc.	\$6.50 per ton	Solid Waste
H. Annual contract with automatic renewal options for two additional one year terms to provide ground water well, surface water sampling analysis and methane monitoring services at five (5) County landfills	Solid Waste	EMC Engineering Services, Inc.	\$32,950	Solid Waste

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
I. Annual contract with automatic renewal options for two additional one year terms to provide and service portable toilets at specified Parks and Recreational facilities and at the Wilmington Island Recycle/Drop Off center	Various	Waste Management of Savannah	\$18,252	•General Fund/M&O - Parks and Recreation •Solid Waste
J. Change Order No. 4 to provide monthly and bi-weekly pest control service to the various County facilities to add services at three (3) office trailers and target activation house located on the firing range at the Sheriff's Complex	Detention Center	Ideal Pest Control, Inc.	\$660	General Fund/M&O - Detention Center
K. Change Order No. 3 to the contract for the widening of Stephenson Avenue for additional relocation of water lines due to conflicts with storm drains	SPLOST	APAC-Georgia, Inc.	\$6,003.10	SPLOST (1985-1993) - Stephenson Avenue widening project
L. Contract for the installation of new HVAC system	Elections Board	All Seasons Comfort	\$20,666	General Fund/M&O - Elections Board
M. Change Order No. 1 to the contract for the design/engineering of the northeast side of the County building at 1117 Eisenhower Drive for additional design work	DMV facility	Bazemore, Mastrianni and Wilson	\$5,000	General Fund - DMV Receivables (to be reimbursed by the State)
N. Change Order No. 2 to the contract for the construction of the new Mosquito Control facility for the net amount of additive and deductive changes	Mosquito Control	R. L. Construction	(\$3,326)	Receivables - Mosquito Control facility (to be reimbursed by the Savannah Airport Commission)
O. Termination of a contract and award of a contract for the data and computer wiring systems for the new Mosquito Control facility	Mosquito Control	•Terminate with: Computer Network Engineering, Inc. •Award to: Information Technology for Business	\$21,500	Receivables - Mosquito Control facility (to be reimbursed by the Savannah Airport Commission)
P. Contract to replace damaged duct work at the Aquatic Center	Aquatic Center	Custom Metal Fabricators, Inc.	\$23,190	General Fund/M&O - Reserve for Deductibles

As to Items 11-A through 11-P, except Items 11-C and 11-M:

Commissioner Rayno moved to approve Items 11-A through 11-P, except Items 11-C and 11-M. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

As to Item 11-C:

One-year extension to the annual contract to provide banking services for Chatham County; Finance; Wachovia Bank, NA; No cost to the County; General Fund/M&O - Finance.

Commissioner Murray said, the only question I had on this, next year this will go out for bid again, is that right? Mr. Michael Kaigler said, yes, sir. Commissioner Murray asked, it will go to all the banks –? Mr. Kaigler said, yes, sir. Commissioner Murray said, for bid. Okay, move for approval. Commissioner Gellatly said, second. Vice Chairman Thomas said, all in favor. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried.

As to Item 11-M:

Change Order No. 1 to the contract for the design/engineering of the northeast side of the County building at 1117 Eisenhower Drive for additional design work; DMV facility; Bazemore, Mastrianni and Wilson; \$5,000; General Fund - DMV Receivables (to be reimbursed by the State).

Commissioner Murray said, I pulled this for several reasons. One was I see where in the funding it says “General Fund - DMV Receivables (to be reimbursed by the State).” Do we have a commitment from the State this time to get reimbursed? Commissioner McMasters said, good point. Commissioner Murray said, I mean, I’m serious about this. Mr. Pat Monahan said, that’s just –. That’s the funding we’ve been using. We’ve already received the money from the State. County Manager Abolt said, the money’s been in the bank for a while. Mr. Monahan said, the money’s in the bank. That’s just the way it was coded in the agenda item. Apologies about that. Commissioner Murray asked, we do have the money from the State? It’s not local? Mr. Monahan said, we’ve got the money in the bank, yes, sir. We’ve got the money from the bank –, in the bank. I mean, from the State in the bank. Commissioner Murray said, I think Tax Commissioner Powers had a question, too, while we were on this one issue.

Tax Commissioner Danny Powers said, yes. I saw this on the agenda and I was in the process of sending a memo out to everyone. Since the DMV facility opened –, of course, you know my tag office is right next door –, and what is happening now is just a tremendous amount of traffic is coming through our facility now because they’re using it for parking or whatnot. We’ve had three automobile accidents in there since the DMV has opened, including an employee’s car. Commissioner Rayno said, they’re learning how to drive. Tax Commissioner Powers said, what I’m –, I mean, it’s really, it’s just –, if you go out and look at the way our parking is configured, it’s not the best in the world to begin with, and this is just putting a heck of a strain on it, and what I’m asking the Board to do or Mr. Abolt or what have you, let’s get out there and look and see if we can get something done with some additional parking somewhere for this DMV. Not only do we have DMV and tag, we’ve also got BOE is out there now –, who else? County Attorney Hart said, Regulatory Services. Tax Commissioner Powers said, Regulatory Services and –. County Manager Abolt said, Elections. Tax Commissioner Powers said, and now Elections and we’re just running –, we’re flat running out of parking. I mean, it’s –, it’s getting scary.

Commissioner Rayno asked, can you send Al Bungard over there and have him report?

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Rivers said, leave it to Mr. Monahan; he’s going to take care of that.

Mr. Monahan said, I can address that one part. One is the office that’s currently being used will be vacated in November. That’s the GEMA office. Commissioner Murray said, but that’s back on the far side. Mr. Monahan said, that’s still going to open up all that entire parking area, so then it’s just a matter of reshuffling some of that parking to that area. Commissioner Murray asked, well, DMV will then be parking over there? That will be too much –. Mr. Monahan said, we understand that there’s a parking issue out there. Commissioner Murray said, the National Guard will be moving out soon, too, because their facility is just about complete, so once that’s done –, how much longer before we can acquire the rest of that property that has environmental problems? County Attorney Hart said, that’s a 64 –, I’ll have to check on –. Commissioner Murray said, they [inaudible] a couple of weeks ago.

Tax Commissioner Powers said, in addition to that, is cut that back road through there. Commissioner Murray asked, [inaudible] move forward now. Tax Commissioner Powers said, there were plans also, Commissioner Murray, to have a road run all on the back of the property to get some of the traffic flowing back out of there. County Attorney Hart said, out into –. Mr. Monahan said, Seawright. County Attorney Hart said, Seawright. Tax Commissioner Powers said, Seawright, yeah. Commissioner Rayno said, because they were having a problem with the Mental –. Commissioner Murray said, well, DMV’s also supposed to [unintelligible comments when a number of individuals were speaking at the same time.] Commissioner Murray asked, isn’t DMV supposed to open up the right-of-way going out into Waters Avenue also? County Attorney Hart said, correct, there’s a curb cut that –. Commissioner Murray asked, they’ve already done

that? Tax Commissioner Powers said, but that's just used –, that's only used for test driving. I understand they had an accident themselves out there the other day, too.

County Manager Abolt said, Mr. Monahan will look at it. I know that it's kind of light fare on our agenda today, but it proves, I believe, the wisdom of this acquisition a long time ago. Commissioner Murray and others did an outstanding job. The facility's ideally located and it's being used and for that we're saying great. Commissioner Murray said, well, that's good because I'm officially retired from the Guard now. County Manager Abolt said, it's working. Commissioner Murray said, good, I'm glad it does. So right now is there any way to get a temporary fix until we can –? County Manager Abolt said, what we'll do is Mr. Monahan will meet with Mr. Powers and probably Harry [McDonald] will be involved in it –. Commissioner Murray said, good. County Manager Abolt said, I know Harry is very familiar with the situation out there. Tax Commissioner Powers said, thank you.

Commissioner Murray said, I move for approval. Commissioner McMasters said, second. Vice Chairman Thomas said, okay. All in favor. Commissioner Murray said, since we've already got the money in the bank. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas asked, opposes? Seeing none, the motion is carried.

ACTION OF THE BOARD:

1. Commissioner Rayno moved to approve Items 11-A through 11-P, except Items 11-C and 11-M. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]
2. Commissioner Murray moved to approve Item 11-C. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]
3. Commissioner Murray moved to approve Item 11-M. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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XI. FIRST READINGS

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting.

Comments, discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken on one of the following listed items.

1. **REZONING OF ALL OR A PORTION OF 604 WILMINGTON ISLAND ROAD FROM T-B (TOURIST-BUSINESS) ZONING CLASSIFICATION TO AN R-1-A (ONE-FAMILY RESIDENTIAL) ZONING CLASSIFICATION. THE MPC RECOMMENDED APPROVAL. MPC FILE NO. Z-020808-60548-1 [DISTRICT 4.]**

Commissioner Murray asked, can I make a comment on that? Vice Chairman Thomas said, yes. Commissioner Murray said, I just found out this morning that –, well, first of all this piece of property is really, I believe, in an estate. There's more than one brother. There's, I think, two brothers –, three brothers and a sister –, it could be more or less, I don't know –, that own that property. Phillip McCorkle is now the attorney for those people. He wanted this postponed, and I told him I would not support postponing this because it's been going on since 1996 trying to clarify the property. We should have had it before now. So, Jon [Hart], he may be contacting you because I'll be out of –, I'm leaving town Sunday and won't be back until Wednesday night –, and he's leaving town and that's why he wanted it postponed, and he's already gone. So, anyway, I would rather see us go on forward with this, that we don't table it on the second reading, that we vote it up or vote it down, and hopefully we'll vote it up, because this is something that's been needed to be –, it's needed to be clarified for a long time, and it's the only way that we can clarify those lines.

County Attorney Hart asked, is he to contact our office? Commissioner Murray said, I don't know whether he's going to contact you or not. I was talking to him and I told him that I would not support removing this or tabling it. It's a long history and it's gone a long way. He said he has talked with the property owners and that they understand now that they will not get a marina or boat yard in that property so they're willing to work on some things, but I don't know what they are, but I suggested he meet with the neighbors because that's what I'm going to base mine on because they've been fighting this thing for years. So, anyway, I'm just saying that so we all understand what's going on. County Attorney Hart said, I'll try to contact him and get him to send me something that is a fair representation of whatever his client's position is. Commissioner Murray said, okay. All right, but other than that, I –, I feel like it needs to move forward and we don't need to table it.

ACTION OF THE BOARD:

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

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2. AMENDMENT TO ARTICLE VII OF THE CHATHAM COUNTY TAXATION AND REVENUES ORDINANCE.

ACTION OF THE BOARD:

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

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XII. SECOND READINGS

None.

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CHATHAM COUNTY TAX DIGEST

County Manager Abolt said, as a matter of information, and this is in the category of some good news, I received a call late yesterday from the Finance Director, Mr. White, who received a call from Sheryl Snider and it's since been verified by Mr. Vestal, but yesterday afternoon the Department of Revenue approved the County's tax digest for billing. That means we'll just slip about a month, and also my conversation yesterday with Tax Commissioner Powers, he's agreed to help us out with some of our cash flow challenges by once the bills are going out particularly to work on those which are our large givers. So that cooperation is not to be forgotten.

Commissioner Murray asked, did they come up with the new digest? Did it change any of the numbers? County Manager Abolt said, I don't feel competent to answer. I talked to Mr. Vestal, he gave me a bit of an explanation. I would prefer he give you the details.

Commissioner McMasters said, I can comment just quickly, informally -. Vice Chairman Thomas said, sure. Commissioner McMasters said, - that, if anything, the digest will go up because of the discovery of as many as 2,000 more homes misvalued and undervalued, so we should be on the up side of that. Commissioner Murray said, but those aren't audited figures, are they? County Manager Abolt said, thank you.

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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. REVIEW OF TWO-YEAR-OLD ZONING MAP AMENDMENTS.

ACTION OF THE BOARD:

Written report received as information.

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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 4:22 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