

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON OCTOBER 11, 2002, IN THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, SECOND FLOOR, 124 BULL STREET, SAVANNAH, GEORGIA.**

**I. CALL TO ORDER**

Chairman Hair called the meeting to order at 9:00 a.m., in the Commission Meeting Room, 2<sup>nd</sup> Floor Old Courthouse, 124 Bull Street, Savannah, Georgia

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**II. INVOCATION**

Commissioner Joe Murray Rivers gave the invocation.

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**III. PLEDGE OF ALLEGIANCE**

Everyone in attendance gave the pledge of allegiance to the flag of the United States of America.

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**IV. ROLL CALL**

All Commissioners were in attendance except Commissioner David Gellatly.

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**YOUTH COMMISSIONERS**

Chairman Hair introduced the following Youth Commissioners who were in attendance: Ms. Carrie Barfield, a Sophomore at Savannah Country Day, and Ms. Kathryn Bernard, a Senior at Savannah Arts Academy.

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

- 1. INTRODUCTION OF NEW DIRECTOR OF CHATHAM COUNTY DEPARTMENT OF FAMILY AND CHILDREN SERVICES, CHARLOTTE REHMERT; DR. J. W. JAMERSON, CHAIRMAN OF THE BOARD; VAN R. JOHNSON, II, BOARD MEMBER.**

Chairman Hair asked, Dr. Jamerson, do you want to do the introduction?

Dr. J. W. Jamerson said, good morning. To the Commissioners of the great state of Chatham County, Dr. Billy Hair, Chairman, to all citizens, invited guests, fellow staff, visitors and other elected officials in government, community and private industries, I'm Dr. Billy Jamerson, Chairman of the Board of Directors of Chatham County Department of Family and Children Services. Our board members include Mrs. Jane Garrison, Father William Willoughby, III, Mr. Van Johnson, II, and Mrs. Viola Bell. We bring a great prize to you this morning because we're bringing you a wonderful, wonderful person. Our purpose is to come in front of you to bring you the new Director of Chatham County Department of Family and Children Services, the humble Mrs.

Charlotte Rehmert. But before she addresses you, I'd like to say a couple of words about her. You see, Charlotte is not from Savannah. She, in fact, is a resident and she was born and raised in South West Virginia. She earned a degree in secondary education, so she was a teacher. For five years she taught history, English and civics. In 1992 she obtained a masters in Mental Health Counseling from Wright State University in Dayton, Ohio. She's the mother of two adult children. She has ten years experience in DFCS and various aspects in both North Georgia and back in Ohio from a case manager to a supervisor to an investigator of child welfare. She has executive director experiences. For the immediate past ten years, she was the executive director for the United Way in Sidney and Shelby Counties in Ohio. She also served as executive director for a youth advocacy agency in Ohio. Her volunteer experience is very extensive from all levels of community involvement. As a matter of fact, I'll highlight just a couple. She's worked on the boards of Habitat for Humanity, VISA volunteer, Gateway Arts Council, and several other entities. Her strengths are many. She has experiences in community orientated councils from grassroots to the board room. As a matter of fact, from the classroom to the board room. I hear that phrase used kind of frequently in some other political aspects. She is a dynamic person and she's very organized. She's a team builder who's totally committed to partnership with the community. She has so many strengths that when the board interviewed her, we were very, very excited about her because she brings an enthusiasm with her. She didn't —, she's not a native of Savannah so she didn't know much about Savannah, but she knew that there was an opportunity down here. She changed her schedule several times to meet with us on more than one occasion. She has been interviewed by the State and appointed by the bodies up there, and we're very, very happy. As a matter of fact, this morning I want to introduce you to none other than the Mrs. Charlotte Rehmert, the new Executive Director for the Department of Family and Children Services here in Savannah. Let's give her a Chatham County welcome.

Mrs. Charlotte Rehmert said, he's really kind this morning. Thank you, Dr. Jamerson, and thank you, Van [Johnson], for your support on the board. I'd just like to say just a real brief —, brief comments that I'm very glad to be at Chatham County DFCS, very glad to be in Savannah, Georgia, and back in Georgia. I spent a lot of time in the 70's and 80's in Georgia. I raised my sons, we raised our family and children here, so I still have a —, I may not be able to mention that, but I will, a Georgia Tech fellow, but I've been between the hedges a lot when —, during the 70's and 80's, but I do want to say very seriously we really appreciate the Commission's support of our programs. As you can imagine, I'm reading an awfully lot of contracts, State memorandums and County services, and I'm going through that with a fine tooth comb and I just know that we cannot do the work we're doing without the contracts, and our Grants Administrator and I have spent a lot of time together. So we appreciate your support and we look forward to a great relationship, and I am excited about what I see in Savannah and Chatham County, the services and the collaboratives. If you see a Honda out in the middle of one of the streets trying her way around on the one-way, it's probably me, but I'm getting there and haven't been too late, but thanks so much.

Chairman Hair said, thank you. Mrs. Rehmert said, please call on the staff. We're —, as you can imagine, we're —, I'm trying to spend a lot of time with staff, be out in the field too and meet our partners in our collaborative, but I also want to make sure that internally we're doing everything we can do for our families and our children and our staff. Chairman Hair said, well, we look forward to working with you, Charlotte. Let us know what we can do to help. Mrs. Rehmert said, thank you, and we —, one final thing, we will be sending out invitations for a groundbreaking ceremony next month for our new building. So we thank you for your support there. Chairman Hair said, thank you, Charlotte.

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## 2. PROCLAMATION FOR "FIREFIGHTERS MEMORIAL DAY," OCTOBER 13, 2002 - CHIEF JIMMY FIELDS, POOLER FIRE DEPARTMENT, WILL ACCEPT.

Chairman Hair read the following proclamation into the record:

**WHEREAS**, Chatham County is fortunate to have dedicated firefighters who are among the very best in the nation, and who are sworn to protect the lives and property of our citizens; and

**WHEREAS**, many have fallen in the line of duty and compelling stories of fearless heroism and unparalleled service exemplify the tremendous work and dedication put forth by firefighters; and

**WHEREAS**, firefighters know no jurisdiction or boundaries when the call for assistance is heard, as evidenced by firefighters that went to New York City to assist following the World Trade Center tragedy; and

**WHEREAS**, all citizens should express respect and appreciation to all firefighters now serving and especially express our respect and appreciation to the families of those who have lost their lives while performing their duties protecting our lives.

**NOW, THEREFORE**, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim Sunday, October 13, 2002, as:

### "FIREFIGHTERS MEMORIAL DAY"

in Chatham County and urge all citizens to join as we honor those who, by virtue of their personal integrity and determination, lost their lives for the protection of lives and property.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia, to be affixed on this, the 11<sup>th</sup> day of October, 2002.

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Dr. Billy B. Hair, Chairman  
Chatham County Commission

ATTEST:

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Frances Q. Rasmussen, Deputy Clerk

Chief Jimmy Fields said, we will have a memorial service at Abercorn and Oglethorpe at the Fire Station No. 3 here in Savannah on Sunday at two o'clock. Everyone who will, please come down and join us for this ceremony. Thank you. Chairman Hair said, thank you, Chief.

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**VI. CHAIRMAN'S ITEMS**

None.

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**VII. COMMISSIONERS' ITEMS**

**1. CHATHAM COUNTY EMPLOYEE MS. INGER BOSTIC - REV. LEONARD SMALL TO SPEAK (COMMISSIONER MCMASTERS).**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman, and welcome Mr. Small.

Rev. Leonard Small said, Mr. Chairman and Commissioners, we're glad to address you. We haven't been up here for a while. It's good to see you all. The —, first of all, Ms. Bostic, I understand, is a personnel matter and cannot be discussed but in certain parameters, as is the County's policy, but we are gravely concerned that a 13-year employee was basically laid off as a result of her hair style. We have met with and talked to Van Johnson and Michael Kaigler, met with the City [sic] Manager and Mr. Kaigler, and basically almost reluctantly now I come before you guys. There's only one other arbiter for these matters and that would be the courts. I would think that such a small matter should have been resolved or could be resolved. I basically come here asking you to use whatever influence you may have to find an amicable and fair resolution. We were laughed at on national television because we're so far out of step with common, normal circumstance. She has a 13-year history of good service to this community, and for her to be out of work as a result of a hair style that is common, relatively common among Blacks and still unaccepted. We have a judge who came down for the dedication of our African-American monument, who when we told the story had to laugh because she had the same hair-do, and sits as a judge in a jurisdiction. My new AFL-CIO person, who came from St. Louis to help with Campaign 2000 for the local unions, she had the same hair-do. It's an acceptable hair-do, it's neat, it's clean, it's not dangerous, it's not going to get tangled up in anybody's machinery or equipment. Please, please let's resolve this without further ado. And that's my statement on that.

Chairman Hair said, thank you. Thank you, Rev. Smith, and while you're also there, bidding Fleet Maintenance —. Yes, ma'am.

Youth Commissioner Kathryn Bernard asked, how long was Ms. Bostic out of work? Chairman Hair said, I don't recall. It seems like it was, what —, three, Rev. Small, it was three or four week. Rev. Small said, not right now, she's been out of work a couple of works. Commissioner Thomas said, over two —. Rev. Small said, almost three months. Commissioner Thomas said, almost three months. Youth Commissioner Bernard asked, but her job was reinstated? Rev. Small said, no. She's not working.

Commissioner Thomas said, I just wanted to say to Rev. Small that I have been checking into this matter and I agree that it should have been something that should have been, you know, resolved by now, and I will continue to look into it.

Chairman Hair recognized County Attorney Hart.

County Attorney Hart said, my understanding is Ms. Bostic's been offered her former position back in Superior Court. If she wishes to return to work there, she certainly may return to work there. I —, maybe Mr. Kaigler might have more information than that, but that's my understanding.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, my question, how much discussion, since this is a personnel issue —, it's outside of our jurisdiction to begin with —, do we have discussion on it. I'm not trying to stop discussion, I just want to know how far we can go. County Attorney Hart said, well, obviously it's a, you know, the Superior Court Clerk is a constitutional officer and y'all's ability to control employment practices there are somewhat more limited than, say, somebody that works directly for the County Manager and, you know, there have been issues stirring around this thing, but I think there have been a —, I think there's been an awful lot of discussion about trying to get the situation straightened out between all the parties. If Ms. Bostic wishes to return to her position of employment, my understanding is she will be welcome back, and beyond that I really don't have much information about it.

Chairman Hair said, I think that —.

Rev. Small said, there are a couple of other things that have happened, but I don't want to really to —. Commissioner Thomas said, exactly. Rev. Small said, but like I said, I don't think we need to discuss the particulars of the matter. I think this Commission needs to be made aware of it and use whatever influence you have with the staff and Ms. Bostic and just resolve this. Fair people can do this. Fair and good people can do this. I know it can be done. It's well within our capacity.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. It was not long after I came on the Commission that I received a call from WSAV to come down to the station and view Ms. Bostic's hair style, and I didn't have any problems with it. I didn't understand really why we were even having this issue. I found it quite a puzzlement and please know that I think Ms. Bostic has an awful lot of support here on the Commission, and to the extent that this is a constitutional officer purview issue, I think we have to respect, but there certainly are fair and sensible people here on the Commission.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, Leonard [Small], I think the underlying problem is that when you have constitutional officers, we are kind of limited as to what directions we can give them. They have what's known as a mandamus, which would allow them to act within their "elected authority." What comes from this is that Chatham County is one body. We need to have one policy, and if we had one policy and if that one policy is approved through Human Resources and reviewed by the County Attorney, then hopefully some of these kinds of things can be avoided. You know, I've practiced law here for 22 years and 12 or 13 of those years the deputy clerk has been this employee, and I found nothing unprofessional about her hair style. She's always been neat and professional, and I share your concern. Rev. Small said, thank you so much.

Chairman Hair said, Commissioner Rivers, and then I think we'll move on.

Commissioner Rivers said, I think I've been pretty close to this thing trying to meter it out. The problem here is, and I want everybody to understand this, that we operate all this under two systems within our merit system. Constitutional elected officers have volunteered to participate in that merit system, so they're on one side and we're on the other. The problem with the system is is that when you go before that system with any issue, that issue comes back to that department head or that person who's in charge, not like so in the City of Savannah. Once it's heard, once the body makes a decision, it goes in the Superior Court one way or the other, but ours is a little different. So that's how you have that [inaudible], one part of our work force sits on this side and it's not only a possibility of it happening to Inger [Bostic], it could happen to anybody on that side. And so, that's the thing that we have to deal with and maybe we have to deal with it from a legislative standpoint to make it mandatory that everybody is a part of the system.

Chairman Hair said, thank you, Commissioner Rivers. I appreciate, Rev. Small, I'm going to call on you in just a moment with the other issue.

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## **ORDER OF BUSINESS**

Chairman Hair said, we've had a request —, I'm going to ask for unanimous consent to change the agenda slightly to move up Mr. Stillwell, who has to leave within an hour. Without objection, we can take that item next. Would anybody object to that. [NOTE: No one voiced objection.] Chairman Hair said, okay.

NOTE: Item VIII-2 was taken out of order and was heard at this point on the agenda.

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**2. BIDDING FLEET MAINTENANCE - REV. LEONARD SMALL TO SPEAK (COMMISSIONER MCMASTERS).**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. Rev. Small asked me to bring this up and put it on, so I was happy to do so.

Chairman Hair recognized Rev. Small.

Rev. Leonard Small said, again good morning, Mr. Chairman and Commissioners. We were contacted —, as you know, I'm the —, I've been qualified as the —, I'm the uncompensated chief spokesperson for the service employees of International Union here in Savannah, and we have representatives of that union here, and of course we're in the process of a campaign to unionize that kind of workers. We've already had some general talk with the County Manager and the Director of Human Resources, just very preliminary, just getting started, and hopefully this might come to pass and will be a help to the County as we have been to the City. The employees, knowing that, and several of them having signed commitment cards, understood that we don't represent them as a bargaining unit as such. So I come basically today as a citizen who is concerned and a community leader who people come to with difficulties. I met with most of those employees, they were that concerned, and so we told them we would do some research and we did, and the conclusions that we came —, have come to are extraordinary. One, this Fleet Management group is one of the best in the nation. It is ranked in the top 100. As a matter of fact, one independent source ranked it number five among those 100. We have two less employees there than we had in 1992. We are working on 41% more vehicles from about 542 to upwards of 700 vehicles with less staff and more efficiency. Now there may very well be a lot of things that we should be toying with at the County to tighten our budgetary belt, but in flat terms, this ain't one of them. We are looking at a well run ship. The reason I'm here particularly is because we're going to end up spending staff time and money for an exhaustive bidding process that we've gone through before. We did this, or tried to do this 10 years ago, and it didn't make sense then and since we are now doing 40% more vehicles with two people less staff, and we don't have a question as to their proficiency or efficiency, this whole process makes for my sake and for theirs very little sense to go further, because history is our best teacher, this was done before. This was actually done in this County in the 70's, and when it was done, it failed and after it failed it cost more money to put it back together than it did before we touched it. I'm saying to this august board that we should cease and desist this process. It is putting good hard working solid Chatham County employees in —, at risk and in peril, they feel, for their livelihood. One of the things of government service, one of the great things of government service —, and this is a proverb in our society —, the government pays less but it has great benefits and job security. That's how government works actually —, that's what they live by, and among the government workers that live by this some of the best and finest are our Fleet Maintenance people. If it ain't broke, don't fix it. Other jurisdictions have done it and have rued the day. The only way you could do this cheaper is to use cheaper materials, cheaper materials, because whoever comes in is coming in to make a profit. The people that are working for us now are not there for making a profit, but I've talked to department heads whose vehicles run through this scheme, I've looked at the studies. They are now taking thresholds for when we have to retire cars and increasing those thresholds and they're coming out of that shop safe and sound and reliable. They're keeping equipment in service longer than they had to because we've had budgetary constraints. But even that equipment they are leaving that shop safe and sound and reliable. I'm simply saying to you, "Don't we have better things to do with our staff and should we be making this whole shop fearful of their livelihoods, how they're going to feed their children, take care of their families, send their kids to school." Those types of securities we should not be undermining with people who have been faithful and good and efficient for this County.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, Doc [Small], I tend to agree with you. If you look at our Fleet Maintenance, look back 10 years, a couple of things have happened. One is that we now have more vehicles that are over 100,000 miles, and as anyone who's ever owned a car knows that once it hits 100,000, it's dedicated to the proposition of breaking down. We have less staff. What we have not done is we have not funded depreciation where you allocate a certain amount of money each year and you say, "I will go into the market, consider it all of Chatham County, and I will buy X-number of vehicles and return them." I tend to share your opinion that our Fleet Maintenance staff is a good department and, you're right, if we were to visit, I know of no non-profit fleet maintenance group who would do it without making a profit, and the margin of profit often is between 25% and 35%. If it's not worth 25% of the gross, then most often it's not worth doing. I wish I could tell you why we're doing this, why we're bidding it. I don't support our changing. I think looking at it was a good idea. In that we've looked at it, we need to reassure the employees of Fleet Maintenance that just because we're having financial trouble, it's not your fault, you're not putting us in that position, and I always enjoy hearing you talk.

Chairman Hair said, Ms. Barfield and then Commissioner Rayno.

Youth Commissioner Carrie Barfield asked, what would happen to the employees? Will they be out of a job? Chairman Hair said, not necessarily. You don't necessarily know if the contractor or whoever got the bid, they would have the option of keeping them or not keeping them, so that's the concern I think, one of the major concerns that Rev. Small is talking about I think. Rev. Small said, well, the thing is, right now they have a job. If we change, they may a job, and if you're working 15 or 20 years at a place, you don't want to be wondering whether or not you're going to have a job. I've been pastor of Litway for

19 years. I'm sure I'll be working at Litway. As a matter of fact, I'm glad about that, my daughters are glad, the schools that I pay tuition to are very, very glad. It's a case of being assured of where you are, liking what you've got and not wanting to change it.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, good morning, Minister Small. How are you doing today? Rev. Small said, good to see you, sir. Commissioner Rayno said, I enjoy your radio program. I find your views very interesting. Rev. Small said, thank you. Commissioner Rayno said, you mentioned that there was other jurisdictions who had problems with rebidding their Fleet Maintenance. Can you name some of those? Rev. Small said, we've been doing so much paper on the matter. My assistant has said that she would forward you the information. She left that at the office, but we had one of the —, we had one of the horror stories where they were in our sister state. Commissioner Rayno asked, were you aware that Beaufort County, just right across the border, using them —, one of the companies that might bid and they're very happy with it, and are you aware the City of Orlando rebid theirs and saved a considerable amount of money and had no problems? Rev. Small said, I'm aware —. Commissioner Rayno asked, did you look at any companies that were successful? Rev. Small said, I'm aware that it has not always failed. Okay? But I'm also aware that when it's failed, it's failed miserably because —, and if we didn't have —, if we did not have already in our history, that might be one thing, but this was done in this County with our Fleet Maintenance and it didn't stick and it cost more money to undo it than would ever have been realized in savings. Chairman Hair said, thank you. Rev. Small said, the other reason —. Commissioner Rayno said, I'm not done yet, Mr. Hair. Rev. Small said, the other thing that you need to consider is maybe those counties privatized because they were inefficient. We're not. Those are the best that's ever been.

Commissioner Rayno asked, are you happy with First Transit, who works with CAT? Are you happy with what they do for CAT? Rev. Small said, not really. I have a whole lot of problems with not just what's going on with the —, with CAT, but with Laidlaw and other things that we've privatized. I have not seen where privatization has been a great boon for the citizens of our community. We've had to do it and undo it at times. I think that we, as a community, are speaking to you now and basically what we're saying is it ain't broke, don't try to fix it because if you miss when you try to fix it, what it will take to repair it back is horrible. We are taking a chance on something that we have we are certain of already. We know what we have. We know that it's efficient. We know that it costs less for us by far per unit than it did 10 years ago. What else can you say that about? Very few things can you say it costs less today than it did 10 years ago. We're getting 40% more vehicles out of that shop with two less people, basically 10% less staff. We're talking —, we're not talking [inaudible]. We're talking the wrong thing to be playing with. Commissioner Rayno said, well, if this —, it puzzles me because, you know, in EMS we decided to privatize one sector of that and we heard the same kind of fear-mongering that there was going to be all kinds of problems and, you know, since we've done it there hasn't been a single person that appeared before this Commission to say that we did the wrong thing after the fact. It seems to me that things worked out, the employees were hired and they're working, and many of the companies that are going to bid are going to hire those employees and keep them on. I think we're fearing something that we don't even know what the information is and how do you —, how can you be against something when you don't even have a chance to look at it. Rev. Small said, we did this 10 years ago and —. Commissioner Rayno said, but that was 10 years ago. A lot can change in 10 years. Your church has changed in 10 years. Rev. Small said, thank God. Commissioner Rayno said, the state of radio has changed in 10 years. We went from privatized companies to local conglomerates —, I mean, national conglomerates. Things change in 10 years. To say something worked 10 years ago and it's going to work tomorrow is not the same thing. Rev. Small said, well, 30 years ago we tried it and it didn't work, in the 70's, 10 years ago we bid it and it didn't pass. We're back —, it's taking time for staff to do something that it's going to cost us money. We've already said we don't have money. It's going to cost us money to work and do something these people have to —, at that shop right now have to competitively bid something that they've been more efficiently doing for the last 10 years. You talk about the EMS, one of the things that you need to know, that the life expectancy on their vehicles have been extended as a result of this Fleet Maintenance group. Item two, all of our heavy large chase vehicles, their life expectancy and the time they're on the street, the number of miles we can get out of them for the taxpayers of this County have been expended. I'm making sure you understand something. This is the wrong place to try to save money. This is a place that if we try to save money, we're going to end up with a racetrack —, it's like that racetrack across the river. You know, it's like building things that we can't fund. This is stuff we ought to stop doing, and I'm not trying to be critical, but let's call a spade a spade. Some of this stuff doesn't work. Commissioner Odell said, we never do that, Leonard [Small]. We never do that. Rev. Small said, but some of this stuff does not work. The reason we're here now is basically to not waste staff's time and more money for something that does not make sense. The facts say this doesn't make sense.

Commissioner Rayno said, can you —, you mentioned some studies. What studies were those and who conducted those and who funded those? Rev. Small said, okay, Fleet Maintenance Magazine ranked them in the top 100. Commissioner Rayno asked, what was the actual position? Rev. Small said, number five. Let me —, I can read it to you. 2001, Mrs. Thomas Johnson, an independent Fleet Management Consultant from San Francisco, selected 10 of county fleet operations. As the fifth best run fleet in North America for 2001, this award ranked the Chatham County operations above hundreds of others. In 2002, large [inaudible] of sedan vehicle life was extended from 110,000 miles to 120,000, an increase of 76% from the 68,000 miles from 1992. When —, and you've got to understand, 1992 was a key year. In 1992 was when they made the comparisons when they actually bidded it out and retained them at Fleet Maintenance, lower than our competitive bidders, maybe even this competitive bidder that we're talking about considering at this point. The other thing is they, in 1997, track and under-carriage replacements were brought in-house, reaping us considerable savings. These jobs cost \$18,000 to \$20,000 each and when done commercially; in-house it saves \$6,000 per job. Now is you just want me to run statistics, I've got statistics up the ying-yang. I've got a helper over here that feeds me more garbage than I want to read, but the fact of the matter is, it doesn't make any sense if we know and research shows —, and I'm going to make sure that each of you has a copy of these items. We've

been running through the open records, [inaudible] running your staff hot getting information. The key to this is though, it's a easy seat. They came to me, they're citizens, they said, "Rev. Small, what can we do?" And I said let's research it, let me make sure I see. You know I've come up here for the first time since many of you sat on this Commission, okay, and you'll see me maybe once every year or so, but when you see me, I bring my facts, and the fact is this should not be a waste of this County's time or its staff, which is money.

Chairman Hair asked, Commissioner Rayno, do you have any further questions? Commissioner Rayno said, no, I'm done. Chairman Hair said, okay, we have Commissioner McMasters and then Chief Sprague and then Commissioner Odell. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. Rev. Small, where I believe that it does make sense to request competitive bidding is simply to fulfill our mandate to create the most efficient responsible County government for taxpayers. I personally don't have any preconceived notions about which way this should go, but I do think that there's a mandate and a responsibility inherent within the Commission to do the best job possible for taxpayers in creating efficiency in County government. I took a note that you mentioned that there have been discussions with the County Manager and the Human Resources Director about the merits of potential unionization. Is that so? County Manager Abolt asked, are you asking me the question? Commissioner McMasters said, yes. County Manager Abolt said, yes, Rev. Small came to talk to me. At that time I was fully briefed by both the attorney and the Director of Human Resources. I told Rev. Small as we sat and talked that I was meeting with him as an interested citizen and then we talked and we listened. Commissioner McMasters asked, would it be possible, Russ [Abolt] —, I'd like to follow this subject closely —, could we receive a —, updates from you as these meetings may occur with any more frequency? It would be information I would welcome. County Manager Abolt said, sure. I'm not aware of any further meetings and the only information that I was privy to was the same information that was given to the Board, but yes, sir. Commissioner McMasters asked, oh, so I've received information? County Manager Abolt said, before when you made your request a while back, it was the same information that I reviewed that you were given. Commissioner McMasters asked, so we're talking about the same information? County Manager Abolt said, same information. Commissioner McMasters said, okay. For any further information, please don't hesitate to pass it along. County Manager Abolt said, there would be no doubt about that in my mind. Commissioner McMasters said, the same thing with Mr. Kaigler. I would welcome having that.

Commissioner McMasters said, I don't think that putting an RFP is an extremely costly thing to taxpayers. It's information gathering, and if it is money well spent, ultimately towards making the best decision, whichever way that decision may fall, I think that's that not an egregious expense of taxpayer's money, but I appreciate your interest in this and look forward to further dialogue. We are open-minded and responsive and we hope that we'll have more opportunity to discuss this.

Chairman Hair recognized Chief Sprague.

Chief Sprague said, I appreciate the opportunity to say a few words here. It's been in —, I've been in law enforcement for 38 years, the first 30 with the Federal government and the last 8, 8½ with Chatham County. I've never been in an organization until I came to the County that kept police vehicles in service 100,000-plus. There are a lot of safety factors involved. Currently, I'm responsible for 130 cars, 21 trucks and 24 trailers. It's probably one of the largest fleets in county service, and it's all public safety and it must be maintained safely. It must be maintained for the high-mileage cars, and that's been done. I've worked in —, with Federal government where the fleets were maintained by the government, by government mechanics, government maintenance. I've worked in smaller offices where the fleets were maintained by private businesses, a variety of private businesses. In my 8½ years with Chatham County, I can say nothing but good about the work product of Fleet Maintenance for Chatham County. It's professional, it's efficient, it's cost efficient. It does many things for law enforcement vehicles —, and that would include the Sheriff's Department also —, when you have to get them in and get them out and get them back on the road to keep the vehicles rolling. Trailers, lubrication of wheels, tire replacements I've scheduled. These are all things that are done by Fleet Maintenance here. They do an outstanding, excellent job. Better than any Fleet Maintenance I've ever worked with. I understand your trials and tribulations with budget, but I would hope you wouldn't dismantle a very efficient and outstanding Fleet Maintenance operation in favor of whatever dollars might be saved.

Chairman Hair said, thank you. Commissioner Odell and then Commissioner Kicklighter. Sheriff, you want to speak as well?

Sheriff St. Lawrence said, yeah. I just want to add my comments to it because my fleet in particular is probably in shambles and Fleet Maintenance has done a really outstanding job in keeping it running, and they're very honest about their opinions. I had to redline another one about three weeks ago because in their opinion it was not worth fixing. I need the car, but I don't need it so bad that I would operate something unsafely. But I have a great appreciation for Fleet Maintenance for that reason that they are able to keep these cars patched together and keep them on the road because that's the way we get our work done. If we don't have vehicles, we can't get the work done. It's been said up here that, you know, it don't do no harm to go out. Well, it doesn't, but I can tell you this. I don't have a driver. I even take my own vehicle out there for maintenance and I've talked to the employees, and that morale probably can't get no lower out there than it is right now because they think they're going to lose their jobs. That's the way they feel about it. I can tell you that they've done an outstanding job for us and they give us a very honest opinion. I could have said, Fix that car." It was \$5,234 to fix it, but I know the County don't want to spend that kind of money on a piece of —, on a car that's got over 100,000, so I just told them to redline it. But they've done a really good job and I want you to know that, and when you talk about bidding things out the County's doing, it does have an adverse on the morale of the employees of the County.

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

Commissioner Odell said, Mr. Sheriff, I appreciate you holding that down a piece and then you rank it. I tend to agree that if there is perceived inefficiency, then it is incumbent upon us to investigate to see if there is a potential cost saving through providing the services through other ways. I have spoken to Mr. Abolt, spoken to other staff. I find nothing to indicate that Fleet Maintenance is inefficient and there could potentially be a cost savings in bidding this service that would compare to the morale detriment that creates by bidding it. I agree that we have to be good stewards, but we also have to be good stewards to our employees. If there is no perceived inefficiency and if we get the ratings for evaluation from our higher shelf Sheriff here and our Chief of Police, and I take some of the information you've given, Leonard [Small], I verified that information before coming, and if you have any problems getting the data together, I have some data that I'll share with you in that support —. Rev. Small said, thank you very much. Commissioner Odell said, I just think that we have other things that we need to be doing. I'd like to make a motion that we send a message to our employees in Fleet Maintenance, and that message is that based upon our internal review, we have concluded that there is no need at this point to bid this matter and that we terminate —, I make the motion that we terminate all efforts at this point to bid Fleet Maintenance. Commissioner Rivers said, second.

Chairman Hair said, we have a second. Commissioner Kicklighter, you wanted to speak.

Commissioner Kicklighter said, I thank Rev. Small for coming out and I want to let him know that I share his concerns about retaining —, the employees retaining their jobs. It would be my hope that if this is bid out that they would hire the employees, the private firm would hire the employees like Memorial did with the EMS employees, and I would work to do whatever possible —, I don't know if that could be put in the bidding process to retain our employees, but, you know, I'd be willing to stick that in the requirement for the bid that our employees retain employment by this private firm. I agree that this group does topnotch quality work because we have old dilapidated vehicles running around and they keep the going, but at the same time, I really don't see where it would hurt anything, as long we put in the bid for these employees to keep their jobs with this private company, I don't see where it could hurt to bid it out and try to seek the same quality service for less money to the taxpayers, and that's just, you know, like I said, I'd be willing and I don't know if we've already gave the direction on how to bid this out —. Did we already do that?

County Manager Abolt said, sir, what you've done —, with your permission, Mr. Chairman. What you've done in Commissioners' Items, this was an issue that you directed to staff to prepare. I gave you a status report earlier this week. We'll be on the streets on the first —, I believe the first week in November with the specifications. As we have done in the past, and certainly you were not specific to it, but we have already assumed that you would be specific, as you are today. The County will be bidding and then there would be a provision in the event the County were not successful that the employees must be assumed. This is a policy issue that obviously requires your deliberation. We are doing what you told us before. If you choose not to continue, we will understand and cease the preparation of specs.

Commissioner Kicklighter said, so what I'm asking is, if Commissioner Odell's motion fails right now, can we then at that point one of us make the motion for —, to include in the bidding process —. County Manager Abolt said, that is not —. Commissioner Kicklighter said, — that they must hire the employees from —. County Manager Abolt said, that is not necessary, sir. We are already preparing that as far as specs. Commissioner Kicklighter said, okay, so that's already going to happen. Okay.

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

Commissioner Rivers said, I would ask my fellow Commissioners to look real carefully if this motion fails. One, you can ask them to employ some folks. They don't have to, all of them don't have to be hired. Number two, if you want to be gracious to our employees, then include in that that they would receive the same perks and benefits that they get here and all of those issues that they're going to lose for the few dollars that we're going to save. Commissioner Odell said, might save. Commissioner Rivers said, might save. It may not even make sense. So if this motion fails, I hope that we can keep Fleet Maintenance. You know, I've been accused of driving a County car, so —, and I used to drive them quite regular back in '92 when I had to run all across the State on behalf of the State and the County. So I know what Fleet Maintenance has done for those cars because now we no longer have a car pool, and those cars that were in the pool in 1992 are still there, especially Mr. McCorkle's old grey hearse. They used to laugh at me driving around the State, but they've kept that in good shape. So, I can vouch for Fleet Maintenance. I don't have no problem with Fleet Maintenance and I don't think we need to dismantle everything. We have done a lot of things here that have been costly to this County on the Commission side. See, we don't have no jurisdiction over there and tell the folks what to do on the other side, but on this side we have done a lot of cutbacks, we have shortened Fleet Maintenance, and we have frozen, you know, where they can do even a much better job.

Rev. Small said, there's one thing that you haven't said. They did ask a question about EMS. There has been one plight that we have found, and that is that the employees had to argue and bargain for positions and comparable wages. So it's a difference, so that's a given for now. That's a what if later. So these employees have a legitimate concern as to how they're going to fare in the future.

Commissioner Rivers said, and in addition to what you're saying, Rev. Small, a question was asked to you about CAT. That's a whole different ball game. In CAT we have one management person and we are contracted to do, to buy some equipment and supplies and stuff like that, but beyond that, that's a whole different ball game. So there's no comparison between the CAT operation and Fleet Maintenance operation.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. I just have a couple of things to say. The first is that a word of caution, and we must be very cautious about how we make decisions. Getting less or perhaps saving a few dollars may not be in the best interest because sometimes, you know, things will break down, it will cost you even more than what you have perceived to have saved. So I just want to say that we need to be very cautious when we're looking at things like this. You know, we're just looking at the few dollars that we might save as compared to what we already know.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, as far as EMS, and you had mentioned the difference in salaries and those type things, at the time that we voted to privatize EMS, I voted against that, but at the same time, we were given a sheet once all this took place and the majority of those employees did receive raises above what they were making here. Some received a good bit less. Some opted out and went somewhere else to work. I was here 10 years ago when we went through the process with Fleet Maintenance and we decided to keep it. They do a great job, there's no question about it, but I think any department that we can look at from time to time to put it out and see what kind of bids come in to make sure that we are in line and stuff, I'm sure we will be in line with it and I'm sure that we —, if there's any savings, it will be very little savings, and if there's very little savings, I will not support changing over for it because I think —, I agree, as y'all have already mentioned, the Sheriff and the Chief have already mentioned, and I'm sure we could bring Public Works up here and they would say the same thing with the heavy equipment they have, but I think it's in our best interest and the citizens' best interest from time to time to take different departments that we have, and I think we have some other departments right now that we need to put out RFP's on just to see whether we're in line or not in line, and we bring them in line if we aren't, and I think we probably are in line.

Rev. Small said, Mr. Murray. Commissioner Murray said, yes. Rev. Small asked, do you understand that if I'm working for you and I'm doing an efficient, cost effective job, this much more cost effective now than 10 years ago, 40% more equipment, 2% less staff, the reports coming from your professional, your best professional, your highest order professional, I've got —. Let me leave that. Let me ask you another question. Why Fleet Maintenance? Of all the departments, why would you do this one, and with all this information available to a novice at this process basically, why Fleet Maintenance of all the departments we've got, and why again in 10 years? What else have you looked at twice in 10 years? What else have we already tried 30 years and didn't work, and it cost this County then. I'm saying we're spending County money and those RFP's are not cheap. Okay? That process is not cheap. That's staff, which is money, that's time and the anxiety for these employees is tremendous. I would hate to think that after working for 20 years at the Litway Missionary Baptist Church that they would even consider putting my job out for bid, as efficient a pastor as I have been.

Commissioner Murray said, I appreciate your comments, but you seem to assume that you know which way I'm going to vote. Rev. Small said, no. Commissioner Murray said, and I don't know which way I'm going to vote yet, so —. Rev. Small said, no. Commissioner Murray said, I'm still trying to listen to both sides to make a decision on it. What I was saying though is I feel like from time to time we do need to put different departments out that we could privatize if it's going to be efficient and if it's going to save us some —, a large amount of money. That's the comments I'll make. Rev. Small said, I think if there's an obvious —, obvious inefficiency —, if there's an obvious inefficiency, true, I'm with you 100% because I pay taxes around here too. Okay? But in this case we've done some looking. We've done some [inaudible]. Even the County Manager in my meeting with him said that he did not see what was wrong with Fleet Maintenance. I asked —, I went out and talked to Stuart [Chatham] out there at the place, I walked through the facility, I've talked to the Sheriff. I mean, I've talked to other departments. I mean, what do you do? Once you see that —, once you see that this ain't the one, then go to the next one if you must, but not this one. Commissioner Murray said, and I agree and there's just one other comment I'd like to make. Even though I voted against the EMS privatizing, I think what we've got is doing a good job. I don't get complaints from it and they're doing everything they told us they were going to do, so —.

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

Commissioner Kicklighter said, thank you, Mr. Chairman. I just want to state that before Commissioner Murray and myself, I believe, were the only ones that voted against privatization of the EMS —. Commissioner Rivers said, no. Commissioner Kicklighter said, okay, I'm sorry. Maybe —, okay. Commissioner Murray said, it wasn't a large number, I can tell you that. Commissioner Kicklighter said, thank you. Thank you. But, you know, the rest of this body at that time voted to approve that because of a savings of \$1.5 million, and our argument at that time was that EMS, the Chatham County EMS did a wonderful job, did a great job, never had any complaints. We were dealing with life and death, not vehicles, and this Board chose to go a route at that time of uncertainty that we didn't know if we'd be able to take quality care or the same type quality care of the people living in those affected areas, but they chose at that time to bid it out and, thank goodness, I've really —, like they said, I've had no problems with the group that took over there, but I just don't really understand the flip-flop of opinions of all of us, and I know I flip-flop at times too because things change. You listen —, Rev. Small is making a great argument and I do —, like I said, I feel for the employees that have to even think about us sending this out for bids, but I just —, really I don't understand how that could have been a great idea back then to the majority of this Board to privatize something that dealt with life and death, and now all of a sudden when you're dealing with vehicle maintenance that they've made that to be an issue somewhat similar to dealing with people's lives. I mean, I just don't see where it would hurt on this issue to send it out, bid it, if it comes back remotely close, stay with what we have. I mean, if it's even, you know, near the same, stay exactly like we are, but if we can ensure the employees in the bidding process that they will retain their jobs and also try to help every taxpayer in the County, because that's the difference in us and a private business is we've got to try —, and I don't know what a good job we're doing —, we've got to try to do a job for the residents out there, everybody paying taxes and the employees that also pay taxes, and it's a tough job, but I, you know, I just don't see where it would hurt for us to bid it out, and if it's not good and

it's not good for the employees, then I would vote against switching it over, and I'll tell you that now. If it comes back and the group will not treat our employees equally to what they're getting right now, I will vote against it when the bids come in, but I don't see where it hurts just to send it out for bid just to see if we can get a better deal for the County taxpayers.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. Russ [Abolt], do you know what the average RFP preparation cost is to the County? County Manager Abolt said, not quantitatively. It's expensive. Commissioner McMasters asked, how expensive? County Manager Abolt said, well, sir, your measure expense in just not the preparation of the documents from the standpoint of the administrative mechanical side, you do have a great deal of research that must be done in what is fair in the preparation of specifications, you have a great deal of concern on making sure that the review process and the people involved in the review process are objective and certainly are distant enough from the service so there can be no criticism as to being involved and unnecessarily influencing the outcome. It is an expensive process, and you'll remember at this time, and this is only explana—, the report I gave you earlier this week, I believe —, we're doing parks maintenance now, we are doing this too, and both are extensive. I cannot quote for you the expense because obviously that would be very difficult to quantify. Commissioner McMasters asked, in your professional opinion, have you found that the costs, whatever they may be, in the RFP process have been well spent in terms of the outcome? County Manager Abolt asked, may I speak on this one specifically? Commissioner McMasters said, of course. County Manager Abolt said, because you've given me direction to do this and we are doing it because you told us to, but it is very —. Commissioner McMasters said, Russ [Abolt], my question is not relative to Fleet Maintenance. County Manager Abolt said, oh, I'm sorry. Commissioner McMasters said, my question is in your 18 years experience as County Manager here, in your professional opinion, is the time, expense associated with the RFP process time well spent and money well spent? County Manager Abolt said, that's got mixed reviews on my part. Up until the time of EMS we had various fits and starts. There was a great deal of disruption even in EMS, and there were several iterations of that. I don't think we've ever found ourselves in any type of solicitation for proposals where the change in an organization is at stake where they're not some costs, and those costs usually are found not in the dollars and cents, they're usually confronted from the standpoint of morale. They're also dealing with certain inefficiencies because while other things could be done as opposed to the preparation of the documents or whatever, our attention and focus is directed some other way. They're worth something, if the Board is serious about this. If the Board is not serious about it, then obviously just taking it as a sensing of what's out there, I would question in this very difficult time, which we all know we're going through, whether or not you want to do it. But we're doing it because you told us to do it. We have not looked over our shoulder. You have told us to do it, and we're doing it. But, yes, there is obvious issues from the standpoint of making sure we take care of those employees, there are issues from the standpoint of using departments, and certainly in the case of Fleet this has been our shining, unspoken strategy in budget for a number of years. When we never replaced vehicles, I can always rely upon Mr. Chatham and his people to get us by one more year, and they're doing this.

Commissioner McMasters said, Russ [Abolt], can I get a short answer to the question? Is the RFP process, as County Manager, in your professional opinion, a sound practice that if we —, that for the time and expense that the taxpayers burden themselves with, with the process, is it necessary and productive? County Manager Abolt said, first, sir, this is not an RFP. This is a bid process. It is productive if you want us to do it, and I'm not trying to be evasive with you. If you're about changing the organization, looking at privatization, competitive bidding is one way. But on balance you have to look at the seriousness. Now, for example, even the comments of Commissioner Kicklighter, if there is a sense you're just testing the waters, then one has to —, you have to ask yourselves, is this the time in which you want to do it. If there is that commitment, if the bids were to come in significantly lower, are you going to award? I don't know. You have the choice. You can reject it all and walk away from it, but --.

Commissioner Murray said, yeah, but added to the cost though, Russ [Abolt], with this also and that's the Fleet Maintenance having to put their bid together and bid on this thing —. County Manager Abolt said, yes, sir. I do not want my remarks to be in any way less than committed to doing what you told me to, and there's a cost involved that obviously can be quantified in human terms as well as dollar terms. The important thing is if you're committed to it, we will do what you tell us to do. If you're not, if this is just kind of acquiescing to those of the Board who wish to do it but are in the minority, then don't do it.

Commissioner McMasters said, well, if you had felt when we undertook this potential consideration of bidding out Fleet Maintenance that it was not going to potentially produce significant savings for the County vis-à-vis taxpayers, did you express that to us? County Manager Abolt said, no, sir, and I didn't say —, I'm not saying that now. This came up under policy items and you made a decision you wanted us to do it, and we're doing it. There was never the entree given, well, what does either staff consider or what does the rest of the Board consider. The issue of privatization as a strategy is a legitimate tool in restructuring government. Commissioner McMasters said, okay. To the extent that we are sending a message and creating misconceptions amongst employees, I think, is something we should address right here. We've heard from the Sheriff, we've heard from Chief Sprague, there is no doubt but that we are obviously content and pleased with our work force; however, we have to balance that against our responsibilities to taxpayers to try and do the best job possible and creating the most efficient government and services that we can. So I don't want to send the wrong signals in way, shape or form to employees. You can see that this Commission is advocating dropping this notion, yet if employees can understand that our true motivation here is the greatest possible efficiency and the utmost protection for them should this become our decision, I hope that they don't have a whole lot to fear. Can this body be objective with quality information provided by this very faithful County Manager? Absolutely. Can we be fair given objective, bona fide information from the County Manager in the process? Yes, we can. And, lastly, if Fleet Maintenance is currently, as a department, so efficient and so cost effective, absent the fear what is there to worry about? Rev. Small said, well, here's the question, and it's kind of awkward. He was about to answer it and he's your expert. The question should have been to staff, does this make sense with this department? It should have been asked of that

County Manager, does this make sense with this particular department. You don't set out to do a study and don't check with your own experts. Commissioner McMasters said, well, I —, Rev. Small, I would expect the County Manager to provide us that advice unsolicited if, in fact, those are his feelings. That is something that I —, and, granted, I'm the newest guy up here, but he should not be silent if, in fact, he has an opinion on a significant subject, as is this.

County Manager Abolt said, if I may respond. Chairman Hair said, certainly, Mr. Abolt. County Manager Abolt said, that was not the context when this was brought forward. This was direction given on a policy item you wanted to do it, and we do it, as we've done it before. If the format you desire to follow in the future is different, as opposed to being on the brink of making a decision and expecting staff to implement it, for example, if you would like general topics brought —, policy items to discuss, my opinion will be given freely. There's no doubt in this issue, this is a very well run operation. I'm proud of that, but you have to also realize I'm also proud of the form of government, and the form of government gives complete control to you as the policy makers to make decisions on how you wish to change. And that was the context in which I took it. From the standpoint of all of our departments, I took —, and all my departments will tell you this, we do not fear competition.

Commissioner McMasters said, okay. Well, having said that, do you welcome competition? Are you strong enough in your position to welcome the process? County Manager Abolt said, I am always open to it, but I also have a responsibility to you and the eight other members when you tell me to do something, I do it. Commissioner McMasters said, well, no doubt, I don't question your faithfulness at all, but your opinion —. I mean, we're part-time people. You're a full-time guy. If you've got a position, then —, or —. County Manager Abolt said, my position —. Commissioner McMasters said, opinion, Russ [Abolt], that will give us better information to be elected representatives for our constituents, I want that.

County Manager Abolt said, my position is that we do not fear competition. If the Board wants my particular opinion on this service, I would gladly give it. Commissioner Murray said, I'd like to hear it. County Manager Abolt said, don't touch it.

Chairman Hair said, I'm next. Two comments. First is a procedural one. You know, Dr. Thomas gave a very impassioned speech here a couple of weeks ago about how Commissioners treat the staff, and we all got on our soap box after Dr. Thomas got through and said that was a wonderful speech and we agree with you a hundred percent, and then 10 minutes later we acted like we've been acting for the last few months. I think the County Commission meeting is not the appropriate place to deal with problems with the County Manager and the County Attorney. If we've got issues with them, it should be done behind closed doors professionally, and I would hope that in the future we would do that. Now, my comments relative to this issue is government is famous for having the idea that one size fits all. If it's a great idea to privatize the EMS, it's a great idea to privatize everything. Well, why don't we privatize the Police Department then? You know, it doesn't make any sense. One size doesn't fit all. I have been a very strong proponent of privatization in the past and will be a strong proponent in the future for privatization. The Sheriff has done an outstanding job in the jail by privatizing the health care and some food service. We've privatized management of the pool. I see Robin out there, and it worked very well, but to say because it's worked well in one department or three departments that it's going to work well in every department, it doesn't make any sense to me, and I think it is a waste of time when you've got a department that operates as efficiently as this department has operated. It think that to sit there and waste staff time to do this and, Commissioner McMasters, it doesn't make any difference if it's \$100, you know, the amount of money is not the issue. The issue is if it's \$100, we're still wasting \$100 if we try to privatize a department that's worked extremely well, and I think there is no doubt that you've heard testimony today from people that know far better than we do what kind of job that Fleet Maintenance has done. I think they do an outstanding job and I do think —, I totally support Commissioner Odell's motion to cease and desist. I think if we want to privatize something in the future, we ought to look at that maybe, but just to say because it's worked in one place, it's going to work in every department, just doesn't make any sense to me.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, thank you. Just to clean up and for those people on the Westside and on the Islands, it was not a good decision at that point for us to privatize EMS, but Dr. Hair makes an interesting point, and that interesting point is that Chatham County created Memorial Medical Center, now Memorial Health University, through what's known as the Hill-Burton legislation. That is our institution. We had many years back gone to a zoning and Chatham County was doing simply a portion of it. Because of our dire financial straits, and my being on the board at Memorial and committed to making this work, there were many problems. It was not a smooth transition and we did lose people. Having been a person who worked in human resources, ultimately when you get down to efficiency, you're talking about employee morale. Employee morale is —, there's a direct correlation to that and efficiency. One question that we have not asked, what is the cost of going from a service that gets the glowing rating from both our law enforcement and we are ranked number five by a national publication, to putting those individuals' jobs in jeopardy, I guess the ultimate question which was never asked of Dr. Small is we have answered what we're doing, we haven't answered why we're doing it. We're not doing it because the County Manager identifies this as being a potential cost saver. That's not the reason. We're not doing it because those who provide services who have multiple experience, like Sheriff Al St. Lawrence, Chief Sprague, see that there's a problem and we address the problem. What we've not answered is why are we doing it. Why did we select this department to do it? It's not similar to EMS and it's not one size fitting all because EMS, the people who got the contract, were in fact the hospital, Memorial Health University, where a lot of the patients were being taken, who already had a service, and you could expect some efficiencies as far as management. There's no such counterpart out at Fleet Maintenance, and whatever we choose to believe, if we're doing it efficiently, and there are no tests to indicate otherwise, and you prioritize it, I'm a private business person and what that means is that I work for money, and I'm not ashamed to say I work for money. I'm not doing it simply for the goodness of doing it. I'm doing it because I can do it and I can make a profit; ergo, that's why it's called profit. There is no indication that there's sufficient funds to justify our search and our bidding Fleet Maintenance. For those people who argue we must save the tax dollars, well, you must also save the tax dollars as far as making decisions that cost money that are decisions that are not based upon logic and reason.

If you make an illogical decision and you spend money chasing a potential, then you have wasted the tax dollars. There should be a motivation other than I think it's a good idea. That is a hunch. That is a guess. That is not based upon logic and reason. The people at Fleet Maintenance should be [inaudible]. We should set this aside. We have efficiency, we have respect for the services being rendered. Don't we have enough turmoil in Chatham County government already without increasing it to a body of employees and we don't have a reason for why we did it. It's not based upon our experts. Rev. Small said, no. Commissioner Odell said, it's not based upon any perceived numbers that we could go to that said for this number of services, these types of services, your car should be thus and so. We don't have that. It is based upon let's see. Well, let's do the whole —, if it's good. That argument says that bidding is good. If it's so good, why don't we bid everything? Rev. Small said, bid the whole thing. Commissioner Odell asked, doesn't that make sense? If it's that good —, it's kind of like this doctor told me when my daughter broke her leg that it's going to be stronger because it heals the calcium than the original part. I said, "Then why don't you break all the children's legs?" If it's that good, then break them all. If it's that good that we bid, let's break them all and then consider the turmoil that this County government is in, and stick around. We've got an issue that is going to bring down the house. I'd like to see us vote on this. If we have the votes —, my motion is we terminate this, we send a message to our employees, you're doing a good job, we don't think that there's sufficient dollars and we have other fish to fry.

Chairman Hair asked, is that a call for the question? Commissioner Odell said, call for the question? Chairman Hair said, call for the question. All those in favor of the motion vote yes, opposed vote no. Commissioner Murray said, I'm pushing my button and it won't go. Chairman Hair asked, are you punching —. Commissioner Murray said, but I'm pushing for a yes. Chairman Hair said, yes, okay, Commissioner Murray votes yes. His light is inoperable. Chairman Hair and Commissioners Rivers, Murray, Odell and Thomas voted in favor of the motion. Commissioners Rayno, McMasters and Kicklighter voted in opposition. The motion carried by a vote of five to three. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes.

Rev. Small said, thank you, gentlemen. Chairman Hair said, thank you.

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

Commissioner Odell moved that we send a message to our employees in Fleet Maintenance that, based upon our internal review, we have concluded that there is no need at this point to bid this matter and that we terminate all efforts at this point to bid Fleet Maintenance. Commissioner Rivers seconded the motion. Chairman Hair and Commissioners Rivers, Murray, Odell and Thomas voted in favor of the motion. Commissioners Rayno, McMasters and Kicklighter voted in opposition. The motion carried by a vote of five to three. [NOTE: Commissioner Gellatly was not present.]

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### **3. PETITION FOR THE REZONING OF PROPERTIES ON THE EAST SIDE OF FERGUSON AVENUE TO R-1-C (COMMISSIONER RAYNO).**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I was approached by the Historic Cedar Hammock Association out of a concern of theirs for development that was occurring within their neighborhood, and I told them I'd give them an opportunity to speak before the Commission their desire to change to the current zoning to R-1-C status, and if their attorney is present, I hope he'll be here to articulate their position as to why they want to make that change from the current position to the R-1-C and some of their other desires.

Chairman Hair asked, who wants to —.

Mr. Slay Cole said, my name is Slay Cole. I live at 8816 Ferguson Avenue, and our attorney is Charlie Barrow. He wasn't able to make it this morning, but Commissioner Rayno's correct. We have —, all the owners, about 99% of the owners that are located between Ferguson Avenue and Bethesda on the east side of Ferguson Avenue have petitioned the Commission to rezone our property to R-1-C. Our neighborhood is a low density rural community and we seek to preserve the unique historical character of our community, and we ask that our petition be considered to change the zoning to R-1-C. Several weeks ago Charlie Barrow was here and we're sorry that he wasn't able to make it this morning, and a large group of the community was here at the previous County Commissioner's meeting and then this County Commissioner meeting we also have a large of our community that lives on the east side of Ferguson with us today.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno asked, would you like to come back at the next meeting so your attorney can articulate the reasons why you want to change the current zoning to R-1-C? Mr. Cole said, it's a uniquely historical development that has been that way since the beginning, and we would like to keep that characteristic —, the characteristics of the neighborhood, and the subdivision regulations, number 7.02 —, 702.03 states that whenever a subdivision historically is like that, it should remain. What we're asking is that our petition be passed forward to the MPC.

Commissioner Rayno asked, is it possible to do that, Mr. Hart? County Attorney Hart said, yes. Commissioner Rayno said, okay. County Attorney Hart said, you can send it to the MPC with the recommendation that they plan or study it and come back to y'all for recommendations concerning —. Chairman Hair said, and it would still have to do a first and second reading. County Attorney Hart said, yeah. I mean, but it gets it over there where they can look at the area that's being talked about and study it and see if the zoning is compatible.

Commissioner Rayno said, I'd like to make a motion to refer the concerns of the Historic Cedar Hammock Association to the MPC to consider rezoning and make a recommendation back to the County Commission. Commissioner McMasters said, I'll second.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, I understand what you're trying to do and we did the same thing with the residents on Suncrest Boulevard at one point, and I would support that provided it goes through the proper channels, which it will be going back to MPC. They had numerous meetings and public hearings on it, and then it came back to us as a recommendation and we voted then to do that because the residents agreed. However, if this is being done to keep a particular project from going forward, this will not help that. That project can go forward. Mr. Cole said, we understand that. Commissioner Murray said, so what it would do is protect the rest of the properties out there, but this one particular project would still go forward and it would not stop that project if that —, if that is the intent now. If the intent is to keep the rest of it in certain size lots and single family residence and those type things, that's fine because that's what the residents on Suncrest Boulevard wanted, and it's been a number of years ago that we did that, but there's a process this has to go through and I will support it going to the MPC and starting that process, but I want everybody to understand that it will not have any affect on that project that's already on Ferguson Avenue.

Chairman Hair said, my concern about this motion is I think it —, it violates the normal process. The normal process is if you have a citizen, whether it's a group of citizens like you, sir, or one, you take your petition for rezoning to the MPC, they do their work and recommend approval or denial to us, and we vote on it on first and second readings. I think we are going to be the ultimate arbiters of this issue, and I think it's biasing the situation if we pass a resolution supporting —, we've already made up our minds —, supporting something when we're going to come up and have to make the ultimate decision. And I don't think it's fair to the MPC to do this, I don't think it's fair to us because we're going to have to make the final vote on it, and to sit there —, we're prejudging this. We're saying we're going to —, this motion as I understand it, Commissioner Rayno, correct me if I'm wrong, is saying we're in support of this petition to MPC. Commissioner Rayno said, no. We're simply asking them, because they are the Planning Commission, and we have said in the past that they are the experts, we're asking for their recommendations. Chairman Hair said, well, they can do that. They could go directly to the MPC. That's what I'm saying, it's not following the normal process. Nothing is preventing this group from going directly to the MPC and requesting them to go through the normal process. Why do they have to come to us and us pass a resolution saying follow the process, go the MPC. I don't understand, and I do think that it biases the MPC and I put —, I think it puts them in a bad situation. That's —, I certainly support it, you know, what you're trying to do. I'm just saying —, I say I support it. I don't know if I support it or not, I haven't heard the facts. I'm just saying I think it —, you have the right to go to the MPC and result rezoning and you have a right under the ordinance to do what you're requesting, but for us to come —, for us to make a motion supporting going to the MPC and coming back to us for a final vote I just think is not necessarily the right way to do it. I mean, I think you guys could have gone directly to the MPC first. You didn't need us.

Commissioner Murray asked, could we get Milton [Newton] to address it? Chairman Hair said, sure, then Commissioner Odell and Commissioner McMasters. Commissioner Murray said, Milton [Newton], the process we went through, and I don't —, it's been a number of years now on the Suncrest Boulevard —, how was that handled? Mr. Newton said, I believe it was handled in a similar manner. Commissioner Murray asked, did it come directly to the MPC first or did it come to us and we referred it to MPC? Mr. Newton said, normally —, really I think the reason it's coming in front of you —, the normal process is that there would be a fee involved, a filing fee, and neighborhood groups in the past have come to the Commission to basically ask the Commission to initiate the rezoning so they would avoid paying the filing fee.

Chairman Hair said, so that —, if we pass this motion, they don't have to pay the filing fee and everybody else has to pay the filing fee when they want something rezoned? Mr. Newton said, if it's referred to the Planning Commission from this body, we basically are going to work for free. Chairman Hair asked, have we done this in the past? Mr. Newton said, it has been done a few times in the past.

Commissioner Murray said, well —. Commissioner Odell —, let's stay in order please. Oh, Commissioner Murray.

Commissioner Murray asked, do you remember how we did the one on Suncrest because I don't remember? County Manager Abolt said, when you brought it up —, I remember parts of it. Commissioner Murray said, I know we had meetings with the residents out there. County Manager Abolt said, I don't want to offer conjecture. I agree.

Chairman Hair said, Commissioner Odell and then Commissioner McMasters.

Commissioner Odell asked, Milton [Newton], what would the filing fees be? Mr. Newton said, it would be pretty hefty. It would be at least a thousand dollars. Commissioner Kicklighter asked, per house? Per household? Commissioner Odell said, not per household. Commissioner Kicklighter asked, per household or —? Mr. Newton said, the total, the total package. Commissioner Odell said, the total cost. My concern is that I think there's a need to have a Metropolitan Planning Committee.

My concern is when, although well bid, citizens come before us and we send a recommendation to rezone without having sufficient information. Then what we have effectively done, we have biased the MPC, we have told them what we think it ought to be without having any additional information and your expertise. I think that that is something hopefully we can avoid. If there's a problem with MPC, then we need to deal with those problems, but I don't think we need to subvert the process. The process is there to create a certain level of objectivity and that objectivity is that we need to have MPC's objective view on rezoning of this property. It concerns me —, I can support a motion that sends this to MPC, where it ought to be in the first place. I cannot support a motion —, and I want to go on record —, recommending what the MPC should do. Mr. Newton said, maybe if I could —. Commissioner Odell said, I'm not the MPC.

Mr. Newton said, if I could respond. If the motion were to pass, I can assure you that staff would take it objectively. We pride ourselves in our objectivity, and we would interpret it as a request what should the zoning be in this area, and we would not take it as a directive. Commissioner Odell asked, you would not take it as a directive? Mr. Newton said, to come back with a particular —. Commissioner Odell said, but at some point you would make your presentation to the MPC board. Is that true? Mr. Newton said, that's correct. Commissioner Odell said, and the MPC board is composed of our people and the City of Savannah's people. Mr. Newton said, that's correct. Commissioner Odell said, and they would make the ultimate decision that would come back to us. Mr. Newton said, that's correct. Commissioner Odell said, and it's your impression that it would —, we would not bias that process if we in fact directed you to move or proceed in a particular way. Mr. Newton said, if you're directing us to look at an area and determine what that zoning should be, that's one thing. If you're directing the Planning Commission to come back with a particular recommendation that would be a different thing. Commissioner Odell said, what I would like to do is, giving all consideration to Mr. Rayno, I'd like to see us send it back with a —, without a recommendation, but we have —, we're the ultimate arbiters on that. Send it back to you, the neighborhood association avoids this payment of the filing fee, you do your objective, independent, provide us a recommendation, and we in turn vote at that point. So, I don't know who —, who made the motion? Commissioner Rayno said, I did. Commissioner Kicklighter said, that was his motion. Commissioner Rayno said, I did. Yeah, that was —. Commissioner Odell asked, that was your motion? Commissioner Kicklighter said, yeah, that was his motion. Commissioner Odell asked, that was your motion? Commissioner Kicklighter said, yeah, that was his motion. Commissioner Odell said, Jeff [Rayno], the stars are in line. We are on the same lonely system here. Commissioner Rayno said, we are. Commissioner Odell said, I love that.

Chairman Hair said, Commissioner McMasters and then myself.

Commissioner McMasters said, thank you. Thank you, Mr. Chairman. The fact that this citizens and his neighbors have come here, I don't think is any fault of not understanding the process perfectly, although it is now clear that he probably could have avoided coming here and gone directly to MPC, but I don't want to send any signals to discourage citizens to come before this body with their issues, and I certainly don't want to send any signals to MPC. They need to be independent, they need to do their work without pressure from us. We are here to make directives, so we will when we're called on, but I see no problem whatsoever the fact that the citizen has come here, albeit it perhaps unnecessarily, that we send this on without any prejudice and that the man be afforded his opportunity. It's pretty straightforward stuff.

Chairman Hair said, okay, I have a couple of questions of Milton [Newton] and then to the attorney. You said the fee —, how many pieces of property are we talking about here? Mr. Cole said, about 20, 20 lots, 20 to 25 lots. Chairman Hair said, 20 pieces of property. Mr. Cole said, that are located between Skidaway to Bethesda, which is approximately two miles in length. Chairman Hair said, so we're talking 20 pieces. Are these different land owners or different —. Mr. Cole said, all these land owners are in agreement. Chairman Hair said, that's not my question. Are all of them individual or does one person own six of the lots or whatever? Mr. Cole said, individual. Chairman Hair said, so there's 20 separate petitioners. Correct? Mr. Cole said, correct. Mr. Newton, would it be \$1,000 per lot or would it be \$1,000 for all 20 lots? Mr. Newton said, I think we —. Chairman Hair said, if they did it individually. Mr. Newton said, we would interpret it as a petition, as a single petition. Commissioner Murray said, so it would be \$1,000 total. Mr. Newton said, total. Yeah, we would not interpret, unless the County tells us differently, that —. Chairman Hair asked, Mr. Hart, is that —, does that —? County Attorney Hart said, that's never come up so I'd have to look and see how that ordinance is written. I'm familiar with the property. I met with one of the members of this organization earlier this week that was asking some factual information about the situation, and then yesterday —, they're represented by Mr. Barrow —, and Mr. Barrow and I met and he expressed, you know, where they thought they needed to be on the situation. My understanding was that he had planned to attend here today.

Chairman Hair said, my next question is to you. If this motion were to pass, does it establish a precedent that two weeks from now, the 25<sup>th</sup> of October, we could have five property owners come up here to get a Commissioner to put it on the agenda for a petition, and they could avoid the filing fee? County Attorney Hart said, it is a mechanism that could be used if the Commission directs staff to do the study and the zoning issue, and then it sort of becomes, you know, this Commission's zoning procedure versus a petitioner going direct to the MPC or group of petitioners going direct to the MPC in the traditional manner and ask for the rezoning of the property. Yes, that could happen. Chairman Hair said, you know, I'm sympathetic to what you're trying to do, but at the same time why aren't we following the process here? Why would you not go to the MPC, pay \$1,000 like everybody else has to do, and go through this process. Why are we trying to —, to me, we're diverting the process two ways. First of all, having the Commission sending it, which is unnecessary. It's just really a motion anyway because you could go directly. You don't need us. Secondly, by the way of doing this, you're avoiding a \$1,000 fee that everybody else in this community has to pay. Why should —, what should be the justification for that? Why should I vote for this and then two weeks later I'm going to have 15 people lined up out there if they get a Commissioner to put it on the agenda, which I'm sure they could do, to avoid the filing fee.

Commissioner Rayno said, with all due respect of these citizens, perhaps they didn't know that they had to pay the \$1,000 fee and to take an accusatory tone with them, I think, is unfortunate. Would you be willing to pay \$50 apiece for those 20 properties to cover the \$1,000? Mr. Cole said, yes. Commissioner Rayno said, okay, see. Problem solved. Chairman Hair said, and I have no problem with that. Mr. Cole said, and this has been done before so we will just follow the pattern that has been done before.

Commissioner Kicklighter said, amend your motion not to include the fee. Chairman Hair said, the motion then does not —, they'd still have to pay the regular filing fee everybody has to pay. Commissioner Rayno said, yes. My amendment would be that —. Chairman Hair asked, and the second? Commissioner Rayno said, everything I said, but they would pay the \$1,000 filing fee.

Chairman Hair recognized Mr. Newton.

Mr. Newton said, just one additional comment. I would like to point out that we will have —, that this is part of the larger Southeast Chatham area that we're currently studying and that we do plan to have the full report, that would include this property, within the next 90 days anyway. So I don't know if that would have an impact on the neighborhood or not. But that's something that they would have to —.

Chairman Hair recognized Commissioner Kicklighter. Commissioner Kicklighter said, I call for the question. Chairman Hair said, we have a call for the question. Those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes.

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

Commissioner Rayno moved that the Board refer to the MPC the petition of members of the Historic Cedar Hammock Association requesting the rezoning of properties on the east side of Ferguson Avenue to an R-1-C classification and, upon petitioners' payment of the \$1,000 filing fee, that MPC make a recommendation back to the County Commission for consideration on first and second reading. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

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### **VIII. TABLED/RECONSIDERED 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. DISCUSSION OF LOST NEGOTIATIONS (CHAIRMAN HAIR).**

- At meeting of September 27, 2002, Commissioner Rayno requested reconsideration at next meeting.

Chairman Hair said, I need a motion to take that off the table. Commissioner Thomas said, so moved. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, all right, it's off the table. Commissioner Rayno, you asked for reconsideration.

Commissioner Rayno said, c'est la vie, move on.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Mr. Chairman, I would like to make a few comments, if I could. Chairman Hair said, certainly. Commissioner Murray said, since I was part of the negotiations on this, and it's obvious the votes are there to adopt it, and I would like for us to take another vote and request my fellow Commissioners that did not support this originally that we send a unanimous vote to them in favor of our LOST negotiations. Now, that's just —. Chairman Hair said, a request. Commissioner Murray said, a request.

Chairman Hair asked, any other questions. I'll entertain a motion.

Commissioner Kicklighter said, I make a motion to approve. Chairman Hair asked, the second five-year agreement? Commissioner Kicklighter said, the second —, both agreements. Chairman Hair said, well, the first one's already approved. This is only the second. Commissioner Kicklighter said, okay, the second agreement. Chairman Hair said, the second [sic] one was already voted on. This is only the second half. Commissioner Kicklighter said, I make a motion to approve the second —. Commissioner Odell asked, and can we state for the record what that second agreement is, or would you like —?

Commissioner Kicklighter said, 17.8 —. Chairman Hair said, 17.8 and \$35. Commissioner Odell said, for the jail. Chairman Hair said, yes. Commissioner Odell said, I'll second that motion.

Chairman Hair said, all those in favor vote yes —. Commissioner Kicklighter said, Mr. Chairman. Go ahead. Commissioner Kicklighter said, if I can ask. This is with the same agreements as the first agreement as far as drainage is concerned? Chairman Hair said, right. There's no changes other than the percentage going up and per diem going up. Commissioner Kicklighter said, thank you. All those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Murray, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes.

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

1. Commissioner Thomas moved to untable this issue and place it before the Commissioners for consideration. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]
2. Commissioner Kicklighter moved to approve the agreement with the municipalities for the County's allocation of LOST for years six through ten by increasing the percentage from 17.6% to 17.8% and increasing the jail per diem from \$30 to \$35. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rivers, Murray, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Gellatly was not present.]

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#### **2. REQUEST BOARD APPROVAL OF INTERGOVERNMENTAL AGREEMENT WITH STATE FOR UNIFORM SYSTEM OF DIRECT ELECTRONIC VOTING EQUIPMENT.**

- Item postponed from the August 23, 2002, and September 13, 2002, meetings at the request of Mr. Stillwell.
- Tabled at meeting of September 27, 2002, in order for Mr. Stillwell to be present at next meeting to answer questions.

Chairman Hair said, we need a vote to take it table. It's just the approval of the intergovernmental agreement with the State for uniform system for Direct Electronic Voting Equipment. I'll need a motion to take to take it off the table. Commissioner Murray said, so moved. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present] Chairman Hair said, the motion passes. Chairman Hair recognized Mr. Stillwell.

Mr. Brooks Stillwell said, I appreciate it. I'm not aware of exactly what —, I understand the Commissioners had some questions for me about this. This is a —, it's an intergovernmental agreement that was sent by the State of Georgia that is required because of the —, as you'll recall, the State passed —, the State Legislature passed an act this year that requires all jurisdictions in the State to use this new voting equipment beginning this November. The State purchased the equipment. They're —, it's a little more complicated than this, but basically the State pays for the equipment, owns the equipment, leases the equipment to us at a nominal amount. The County agrees to pay for the storage, adequate warehousing and so forth of the equipment, as it would with the former equipment. So that's basically —, this is a document written by the State Attorney General's office, as I understand it, that is intended to comply with the new act that the Legislature passed.

Chairman Hair said, I'm going to recognize Commissioner Murray and then Commissioner Rayno.

Commissioner Murray said, my only questions were that I understand when the State gave us this new equipment, they didn't give us enough equipment to make sure that we didn't have these lines like we used to have before we got the equipment we've been using. Mr. Stillwell said, well, that's anybody's —. Commissioner Murray said, and that you had said that you were going to have to purchase some more equipment because they were not giving us enough. Mr. Stillwell said, well, that's actually anybody's guess at this point. I think it's likely that we will have some delays, at least this first time, because every time you change something, people learn something new, it's possible that we will have some delays. We feel like we will need more equipment than the amount that was allocated to us, but again it's kind of a guess because the amount of time that an individual takes to vote on the new equipment, we just don't know that at this point. Commissioner Murray asked, well, has it been determined yet whether we will be selling our equipment on the open market or whether the State's going to purchase our old equipment. Mr. Stillwell said, we can't sell it until after the election under the law. We had not recognized that at first, but the contract makes that clear, and I don't believe that there's a provision for the State to buy it, but the vender who sold us the equipment was willing to buy it back from us. At least a couple of months ago the price we were able to get on the open market would have been higher than that, but again I don't know what the price will be in January. It may be after this election there would be some different —. Commissioner Murray said, maybe you can sell it in Florida. Mr. Stillwell said, could be. It could be.

Chairman Hair said, Commissioner Rayno and then Commissioner Odell.

Commissioner Rayno said, I was looking for clarification because at a prior meeting you had said that we would be using some of the existing optical scan units for the purpose of tabulating absentee ballots. Is that correct? Mr. Stillwell said, well, we will be using optical scan equipment. I don't know exactly why this is, but under the —, they've sent us some new optical scan units to use for that. I guess they wanted everybody to have exactly the same uniform stuff, so no we won't be using any of our existing equipment. We will be using equipment just like or very, very similar to our prior equipment for absentee ballots, but that's a very —, it's a very minuscule part of the total. Commissioner Rayno said, so that explains why. You said in a prior meeting we'd be using the old equipment, you didn't know about this new mandate from the State. Mr. Stillwell said, we are —, well, we —, yeah, we knew we'd be using some optical scan equipment for absentee ballots, that's right. Commissioner Rayno said, so we —. Mr. Stillwell said, it is new equipment, but it's the same type of equipment. Commissioner Rayno asked, we won't be able to sell any of our scanning units in State of Georgia then, will we? Mr. Stillwell said, that's right, but there are a lot of other states that are using it. In Florida, and, you know, who's to say, I guess history's written some time later than the facts, so who's to say what the right solution is, but in Florida they allowed different counties to use different types of equipment again. They just prohibited some types of equipment, the old butterfly ballot kind of equipment, punch cards, but they allow optical scan or DRE, the type equipment that we use. Frankly, I think you can debate which type of equipment might be better, but I don't think there's any question that DRE is much better in the long run. Now whether it's wise or not wise to implement it all at once in this time frame, that remains to be seen, but I think in the long run almost everybody I've talked to who has studied the issue thinks that DRE is much better and also —, and it's easier to use. That's not to say there won't be some people who'll be confused the first time, but it is easier to use. There are less margin for error, not to say somebody won't make an error, but the thing that I do believe is correct about the way the State went about it is I think that the State should have a uniform system of elections, and I think that our system of having every county in the State do it the same way with the same equipment is a much better idea than having individual counties make that decision. Apparently a lot of the problems they had in Florida in the primary arise from the fact that you had every county making different decisions. I do believe that the State of Georgia went about it with a much more sophisticated approach that they evaluated the equipment a lot better. The equipment —, the DRE equipment that was a problem in Florida is not the type of equipment we're using here, so we're optimistic. We're also doing tremendously more training than they did in Florida of our officials, but I don't mean to minimize the difficulty. There are —, our election workers are having to work very hard to get up to speed on this. Our staff is working very hard to train them, but we're optimistic that it's going to go very well.

Commissioner Rayno said, well, that's the only reason I held it up was because of your previous statement about using the old equipment and then in 3.4 of the contract they said we couldn't use the old equipment. Mr. Stillwell said, right. Commissioner Rayno said, so now that you've clarified it, I appreciate that very much. I make a motion to approve this. Commissioner Murray said, second.

Chairman Hair said, motion and second. We still have a couple of people that want to speak. Commissioner Odell, do you still want to speak?

Commissioner Odell said, in that Jeff [Rayno] has made the motion, just for clarification. This is from Thurbert Baker, our Attorney General, is that true? Mr. Stillwell said, honestly I don't know if he —, he doesn't personally —, somebody at the State —. Commissioner Odell said, or his office. Mr. Stillwell said, somebody at the State AG's office prepared this for the Secretary of State's office, yes. Commissioner Odell asked, and the purpose is to create uniformity throughout Georgia. Mr. Stillwell said, correct. Commissioner Odell said, this request is not a request for funding on your part, it's simply a request that we approve the intergovernmental agreement. Is that correct? Mr. Stillwell said, correct. Commissioner Odell said, we have had an agreement with you on our side of the space, we have no problems with the language contained in the agreement, is that true? Mr. Stillwell said, that's correct.

Chairman Hair asked, Commissioner McMasters, do you still want to comment?

Commissioner McMasters said, yeah, I just have a quick question, and I —, I got a demonstration of the new electronic machines on my way out of the last vote. How does the new electronic machines facilitate a write-in candidate? Mr. Stillwell said, you know, I haven't been to one of those classes where they discussed that so I don't know the answer to that. Chairman Hair said, but there has to be as a part of that. Mr. Stillwell said, I'll get you the answer. There is a mechanism. Chairman Hair said, there has to be a way to do that. Mr. Stillwell said, there is a mechanism for doing it. I just don't know what it is. Do you know the answer?

Rev. Small said, I know the answer. Mr. Stillwell said, go ahead. Rev. Small said, the first church out of a series of churches that it was demonstrated at was Litway, which is the church where I pastor. The machine has in it a capacity for a screen to come up where you can type in a name in each and every race. So the write-in capacity is in that new electronic machine. As a matter of fact, I think I wrote in somebody who was standing next to me when we were demonstrating it. So it's in there. Chairman Hair said, thank you, Rev. Small. Rev. Small said, it's in the machine.

Commissioner McMasters said, my only follow-up to this is in the demonstration that I received, there was no instruction, clarification or advice on —, to the recipients of that demonstration as to how to facilitate a write-in, and thus my question. Mr. Stillwell said, I will check on that. Commissioner McMasters said, thank you.

Chairman Hair recognized Commissioner Thomas. Commissioner Thomas said, well, I think —. Chairman Hair asked, are you okay? We have a motion and a second to approve the intergovernmental agreement. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes. Thank you, Mr. Stillwell.

Mr. Stillwell said, I might mention one other thing that you may not have picked up about this equipment. Every precinct will have a particular —, one piece of equipment that is handicapped-enabled that will allow the blind people to hear the instructions orally and all, and we're very excited about that, and I think that's going to be a big improvement.

Chairman Hair said, thank you, Mr. Stillwell. Mr. Stillwell said, thank you, and I will say —, I think I've said this before, but if anybody wants a demonstration for any group, if you'll get in touch with the Board of Elections, we'll arrange it for you. Chairman Hair said, great. Mr. Stillwell said, and I thank you. Chairman Hair said, Mr. Stillwell, as you leave, I just want to thank you personally. I think you and your board have done a great job, and you sort of have a thankless task over there, but I think y'all have done an outstanding job and we appreciate what you're doing. Mr. Stillwell said, thank you very much. We appreciate it. We appreciate all your support. Chairman Hair said, thanks.

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

1. Commissioner Murray moved to untable this issue and place it before the Commissioners for consideration. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]
2. Commissioner Rayno moved to approve the Intergovernmental Agreement with the State of Georgia for Uniform System of Direct Electronic Voting Equipment. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

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#### **IX. ITEMS FOR INDIVIDUAL ACTION**

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

1. **REQUEST BOARD APPROVE THE FOLLOWING: AN AMENDMENT TO THE GENERAL FUND M&O BUDGET TO REDUCE REVENUES AND EXPENDITURES BY \$2,703,220 TO ESTABLISH A SEPARATE CHILD SUPPORT ENFORCEMENT SPECIAL REVENUE FUND, AN AMENDMENT TO THE MULTIPLE GRANT FUND TO RECOGNIZE A \$25,000 PAYMENT FROM THE DEPARTMENT OF COMMUNITY AFFAIRS FOR THE ROUNDHOUSE CENTER COMPLEX, A TRANSFER OF \$50,000 FROM THE 1985-1993 SPLOST, RESERVE FOR VARIOUS COUNTY ROADS, TO RIDGEWOOD, ET AL, A TRANSFER OF \$35,000 FROM THE RESERVE FOR VARIOUS COUNTY ROADS TO THE FALLOWFIELD ACCOUNT IN THE 1985-1993 SPLOST FUND, A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$2,340 FOR HAZMAT EXPENDITURES, AND A SPECIAL SERVICE DISTRICT CONTINGENCY TRANSFER OF \$116,940 FOR BRIDGE REPAIRS.**

Chairman Hair said, I'll entertain a motion to approve. Commissioner Kicklighter said, I so move. Commissioner Odell said, second. Commissioner Thomas said, second. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Russ [Abolt], I've got one question, and it's not that I'm going to vote against it because I think it should be done, but on this last item on the bridge repairs —. County Manager Abolt said, yes, sir. Commissioner Murray said, I understand that that was in our unfunded CIP, which none of us ever look at, and I guess my question is since the media's picked up on it and blaming it for a budget purposes is the reason we didn't fix it, I don't remember anything ever coming before the Commission saying what kind of shape those bridges were in, and it is a safety issue and this Commission has always supported those and found the funding somewhere to repair things like that and do whatever we needed to, and I just think that we need to state here that had we been fully aware of that, then we would have approved it whenever it was needed. I think the State's the one that actually found the problem.

County Manager Abolt said, in your —. Chairman Hair recognized County Manager Abolt. County Manager Abolt said, in the unfunded CIP, which for years we've had as a planning document, in your budget there are about, oh, seven to ten items that have been ranked as critical for a number of years. They're very spending. It isn't just this, of course, and we're able to solve this problem quickly and get these folks lives back together, but we have several millions of dollars in unfunded CIP.

Commissioner Murray said, the only thing I would request, if we've got anything like this, that it be brought to our attention other than just having it printed in the unfunded —. To me, the unfunded CIP is a feel-good for whoever wants to put something on a project, we don't have the funding, but we're going to put it over here. That's what we've done in the past. County Manager Abolt said, with your —, with the Board's permission, why don't we set up a time in a future agenda where we'll put the CIP and we will highlight again, as we have in the budget, those projects listed as critical and at least explain —. Commissioner Murray said, well, if they are, let us know about it and that way we can see what we can do to try to —. County Manager Abolt said, we'll put it forward at your next —.

Commissioner Odell asked, can we receive that in advance?

Commissioner Rivers said, Mr. Chairman. Chairman Hair said, Commissioner Kicklighter first and then Commissioner Rivers. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I just want to thank Commissioner Murray because I —, the bridges were actually were in my district and I just want the people to know that, you know, it may have been in the —, a book somewhere, a book a lot thicker than this, and, you know, buried —. Commissioner Murray said, [inaudible] quite that thick. Commissioner Kicklighter said, yeah, buried in the back of it somewhere in small writing, but, you know, as far as sitting here, we had to approve like \$112,000 door for the Aquatic Center because it was brought right to our attention and we knew that the door needed replacing, so the majority here voted to do it. Had this ever been brought up to us that the bridges needed repairs or they were going to be closed, that they were in desperate need, I assure the public I would have fought hard for it, and I feel good and confident that we all would support it, but also on that note I want to thank the staff for after the problem occurred and the DOT basically condemned the bridges, for their hard work and effort, and the Emergency Management got out there and did a great job helping the people. They're very much inconvenienced, but because of our staff I want to say that, you know, it's not an ideal situation but the people were provided with golf carts so they are not walking back and forth and it probably is a better situation than having to move them out to hotels because they still have the convenience of their own homes and, you know, I thank the staff for that. You did a great job on that, but I would encourage staff if there's ever anything critical, please put it in our faces because I promise you, I'll come through on helping in emergency situations and I feel confident that the rest of this Board will come through when it concerns the public's safety especially. Thank you.

Chairman Hair said, Commissioner Rivers and then myself.

Commissioner Rivers said, I wanted to be a little more specific, Russ [Abolt], and us getting a good summary of those things that are critical. I don't want to see the whole CIP because that's a voluminous document, but just give me the critical and give us a summary of what —. County Manager Abolt said, what we have done for years now and we'll reproduce that again for you and give you a special briefing if you like, we rank all of our CIP projects and, like I said, there's about seven or ten of them that are ranked as critical and we'll bring those to you again and brief you on them.

Chairman Hair said, I just want to say briefly I think the system works. I think this is something that did work and it worked very well. The inspections by DOT made us aware of the criticality of it, our new emergency purchasing procedure works very well, and I think staff did respond very, very well on this, and the County Manager and I discussed this and I think it does work, but I think that —, and I agree with Commissioner Murray, but I'll just add one comment to that. I think that the time to deal with these issues, you know, is not now and not a month from now and not two months. The time to deal with these is the time we pass a budget, and we need to pass it at a time —, we need to deal with these issues and make sure the government has sufficient dollars to operate to deal with these issues proactively and then we wouldn't have to [inaudible], you know, three months into the budget year, four months in the budget year reacting to crisis. I mean, those bridges were as much of a crisis at the time we passed the budget as they are now, but we chose not to fund it, okay. Commissioner Kicklighter said, no. Chairman Hair said, well —.

Commissioner Kicklighter said, I disagree. I didn't know about the bridges, and that's what I believe Commissioner Murray's point is that had it been pointed out that it was a critical need, better than somewhere buried in a thick binder on a page with a lot of other wording, I believe we would have acted in a heartbeat to fix the bridges. Chairman Hair said, I think Mr. Abolt has taken the appropriate stance of saying —, but I will tell you it's easy to say now that we would do that, but, you know, six months from now when we have to pass another budget, you know, and we get these ten critical items or five critical items or whatever, what I'm saying is we have to have the will to get the money to do that. That's my point. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. I was quite surprised to find that the bridge issue was not discovered sooner. Now, Dr. Hair, you said the process works real well. Did you know that for the past year the bridges were in a critical state of repair? Chairman Hair said, no, I did not, but the process I was talking about, routinely DOT inspects all bridges in Chatham County and when they find something, they bring it to our attention, and I think this process did work in that sense. Commissioner McMasters asked, didn't they bring it to our attention over a year ago? Chairman Hair said, I'm not aware of that. Commissioner McMasters asked, Mr. Abolt? County Manager Abolt said, it was a letter received in 2000 saying something had to be done about it and then it was put in the CIP and —. Commissioner McMasters said, so the fact of the matter is that for —, since 2000 these bridges have been deemed in desperate need of repair almost, if you will, in critical condition. County Manager Abolt said, staff has assessed them as critical, but again there's a variety of these projects in that category. Commissioner McMasters said, okay. I don't consider that personally as working real well, and I personally don't need any more bad press than I generate on my own, and the fact that the newspapers took us to task over the fact that it was a public safety issue of critical importance and that we neglected it was, I believe, from a lack of information. Going back just a moment, I wanted to make a comment when we were closing out on the Fleet Maintenance issue, and it was something that the Chairman said about his opinion was that contentious issues that this Commission might have with the County Attorney and County Manager ought to be done behind closed doors. I'd like to take exception to that and I think that we deal with contentious issues, both in private and over the telephone and in memos, and I personally think that this above all is the proper place to air it under the sunshine and the ability for the taxpayers to see our deliberations first hand. So I thank you for allowing me to get that postscript in.

Chairman Hair asked, Sybil [Tillman], do we have a motion and a second? The Clerk said, yes, we do. Chairman Hair said, okay. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rayno and Gellatly were not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the following: An amendment to the General Fund M&O budget to reduce revenues and expenditures by \$2,703,220 to establish a separate Child Support Enforcement Special Revenue Fund, an amendment to the Multiple Grant Fund to recognize a \$25,000 payment from the Department of Community Affairs for the Roundhouse Center Complex, a transfer of \$50,00 from the 1985-1993 SPLOST, Reserve for Various County Roads, to Ridgewood Avenue, Billings Road, Central Avenue and Leghorn Street, a transfer of \$35,000 from the Reserve for Various County Roads to the Fallowfield account in the 1985-1993 SPLOST fund, a General Fund M&O contingency transfer of \$2,340 for HazMat expenditures, and a Special Service District contingency transfer of \$116,940 for bridge repairs. Commissioners Odell and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rayno and Gellatly were not present.]

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**2. CONSIDERATION OF MORATORIUM FOR PURPOSES OF THE COUNTY TO REVIEW AND ADOPT THE SOUTHEAST CHATHAM COMMUNITY PLAN.**

Chairman Hair said, the audience is pretty full of folks that are here I'm sure are going to talk on this today. We did advertise —. Commissioner Murray said, this will be the public hearing. Chairman Hair said, yeah. We did advertise a public hearing, and that's what we —, I will now open the public hearing on this issue, and anyone —.

Commissioner Kicklighter said, I want to ask a question. After reading the info that we received last night, do you want —, and I don't know. Do you want to continue on this same path beings that how this public hearing was advertised is not quite what we thought it was going to —. Commissioner McMasters said, we're married —, we're married to the —.

Chairman Hair said, there are two ways if the Commission —, if the votes are here sufficiently to issue the moratorium, there's two ways we could do that. We could do it by ordinance, which would require a first and second reading or we can do it by resolution, which would not require a first and second reading. So there's two legal ways if there are sufficient votes. If there are five votes up here to issue the moratorium, that's the two methods that, you know, you could proceed if you choose to do that at the end of this public hearing. We don't have a particular order. I would ask though everyone that would like to speak on this, if you would come on the front row, it will speed up the process tremendously. If you will come forward, we will take you in no particular order, pro or con, and we will recognize you in the order. If you would like to speak, I'm asking if you would come on the front row, it makes it a lot easier for us to do this if you would do that. Mr. Hall, I'll recognize you. Would you like to be first?

Mr. Steve Hall said, good morning. My name is Steve Hall. I'm President of Hallmark Homes of Savannah. We're a local home building and development company. We build in the tri-county area and this year I'm also the Chairman of the Engineers and Developers Council for the Home Builders Association of Savannah. First, I'd like to commend the Commission and the MPC and the individuals that are working on the Southeast Corridor Study. We certainly think that these —, this is an honorable thing. We have questions regarding basically single family construction and how it would be affected with the proposed moratorium. We had a very open discussion earlier this week with several of the Commissioners, and we appreciate their time in coming out and speaking with us. We asked for a list of questions to be answered. They were and we basically have one major clarification that we would like to ask for with the proposed resolution, and that is in regard to issuance of single family residential building permits in existing approved and recorded developments. It is apparently the opinion of the County Attorney that as the resolution is written that this would not allow for permits to be issued, and that is in direct conflict with what we were told the other day. We were told that the moratorium may follow the same type of format that the Islands Land Use moratorium did, and that single family permitting was allowed during that time, so we certainly would like clarification on that.

Chairman Hair asked, Mr. Hart, can you —. County Attorney Hart said, sure. What we tried to do in this resolution was to take the minutes of the last meeting and then try to draw something that kind of conformed with the minutes, and to be quite honest, our Clerk, Ms. Tillman, did an exceptional job of those minutes, but they ran for several pages and there was a lot said, so we tried to sit down and put what we thought was in there, knowing full well that when we circulated it that there might be some tweaking of this resolution. You —, you know, you could exclude —, the way the thing is written, Mr. Hall's correct, you could not get a building permit on an approved subdivision lot in an approved existing subdivision for that 90-day period. You could take out building permits and make an exception to that for single family residential in an existing approved zoned subdivision during that 90-day period if that was a policy decision this Board wanted to make to take out, and we would be glad to insert that language. That —, you know, there's two ways you can do this. We could do it by resolution today or we do it first and second reading. Obviously, if there's going to be a lot of changes made to the resolution, just from a purely selfish standpoint, County staff's standpoint, it certainly makes it a lot easier for us to sort of go back and regroup on the resolution and insert all the different changes so that there's, you know, not sloppy language or something that we don't want in there.

Chairman Hair said, Commissioner Murray has a question.

Commissioner Murray said, Jon [Hart], I understood from our last discussions that this would be set up identical to the one we did in the Islands area. County Attorney Hart said, if you go back and read the minutes though —. Commissioner Murray said, but we did allow —. County Attorney Hart said, correct. Yes, sir, but we had two situations kind of come up after the resolution —, after the Islands Land Use Plan that came up in residential properties. I think two people brought things to your attention, and we sort of did that by an interpretation of what we thought the resolution was then, which did exclude those two pieces of property because they were in existing subdivisions. The resolution here is very similar to the resolution that we passed in the Islands insofar as this language. We could be much more specific and carve out an exception to the resolution for those within a single subdivision. Commissioner Murray said, the other thing, too, and I will state up front before we go into much more discussion, I will not support passing a resolution today. I have said all along I thought we need a first and second reading to move it forward to have open discussion with anybody, whether it's a citizen, the developers or whoever it is, and that's what we did with the other one and it worked fine and everybody went through understanding what was going on and what was going to take effect, and I think this has to be done the same way, and if it's not done that way, then I cannot support it. County Attorney Hart said, that is —, that first and second reading is certainly an option. You have a little bit more flexibility now how you do this than you did the last time we did one. And that, by the way, that was the process that we followed in the last one was the first and second readings.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. I want to thank Mr. Hall for sending an invitation for us to come and talk to the large group of members. I thought it was a very productive conversation. Clearly, if the language in the last meeting has conflict with the way, in fact, that the Islands Land Plan was constructed, then it needs to conform to that. We told this organization, and I also expressed last night in a long conversation with Rick Winger, that we are pro-prosperity, we are pro-development. We do not want to stop the progress of a prospering economy. We are, however, in favor of sensible, smart planning. I think it's something that all the organizations have echoed back. I don't think this is an issue that is needed to be nearly as contentious as it has become, and I think we're on the right track here. As we committed to you in the meeting, we want this to be a slow process, a first and second reading, and in fact we may not even need the ultimate second reading, and we will, I think, have plenty of support here to modify last meeting's suggestion on your question so that it conforms perfectly with the prior Islands plan. So you have our cooperation on that.

Chairman Hair said, thank you, Mr. Hall. Anyone else would like to speak to this issue?

Mr. Bill Shearouse said, thank you, Mr. Chairman. My name is Bill Shearouse. I represent the Home Builders Association. I think it's clear that you have the authority to issue this moratorium, but that authority is not unlimited. It's limited to those situations where there is a compelling governmental interest that requires you to impose on the rights of a few for the benefit of the majority. While there may be a compelling interest to limit commercial development during the time you're revisiting the development standards for the Zoning Ordinance, I don't think there is such a compelling interest with respect to single family residential construction. I think that minority builder, developer —, the builder, the suppliers and material men, the realtors, the mortgage bankers and the homeowners would be the ones most affected by that without any such compelling interest. So for the reasons stated and for those reasons we would ask you to exempt single family residential from the moratorium.

Chairman Hair said, thank you, Mr. Shearouse. Anybody else? Chairman Hair recognized Mr. Pierce.

Mr. John Saxon (Piccolo) Pierce said, it's not fair to cut —, cut people —, cut tax every five minutes. Let's look at this here. [Inaudible] cut tax, anybody can cut tax. Billy Hair, I've been holding my hand up three times and I'm going to tell you about the taxpayer. The taxpayer is not in favor of the tax bill. The tax bill wasn't right. [Inaudible.] You know, you're the Chairman. You ought to know when somebody change things because I've been there along with the taxpayer, and I know what's going [inaudible]. I know what's going on. Every time you get ready to change things, you go [inaudible] and change 'em. I come to [inaudible]. Be fair with it. I know you done y'all best you could, but don't listen to the taxpayer [inaudible] because it change every five minutes and, believe me, we're going to change you [inaudible] because, you know why? Odell —, Odell and them all doing the best he could. But what's the matter with the taxpayer? We can't get it right. Something's wrong. Something's wrong. Y'all doing your job, but the taxpayer ain't doing their job because you need to check on the taxpayer. Thank you.

Chairman Hair said, thank you, Mr. Pierce. Anyone else want to speak in the public hearing?

Mr. Rob Brannen said, my name is Rob Brannen. I'm the attorney for the Savannah Board of Realtors. I want to say first that I'm encouraged that we're going to have some additional readings and possibly an opportunity to look at the resolution because I do have a board of directors and it's important for me to be able to take that back to them and get a final authority as to what their condition is going to be. I do want to say, too, that I want to make it clear as the Board of Realtors we don't really oppose a —, any specific projects, but we are very concerned about the concept of a moratorium generally just because in the business community that creates the perception that you're reacting to something you're not planning properly, and it hurts investment people when they see moratorium. They don't want to come to town and buy property, of course, because they don't know what's going to happen. The other issue I want to raise is that I want to question whether this is the appropriate time for a moratorium. When you do a moratorium, that's an extreme exercise of your police power and the means have to be reasonably necessary to carry out a certain objective or a certain goal. Our know that our plan —, and I haven't seen this plan, so I don't really know what it's about, and that would be something else. We'd probably want a representative on that, but it's been in the works for about four or five years, I guess, and to say that's it's going to be ready in three months and the moratorium will end concerns me because if it's not ready, then there's always the potential the moratorium will be extended beyond that and that will continue to hurt, not just realtors, but the business community in general. So I think we need to make sure we get this

plan to a point where it is finished and we're ready to go before we start talking about moratoriums, if we have to talk about them, but that's my concerns.

Chairman Hair said, Commissioner Murray and then Commissioner Odell.

Commissioner Murray said, just in reference to the 90 day, again if it's not done like the plan we did in the Islands area, I won't support it, and the way that was done is you had 90 days with the understanding that we would not under any circumstances extend past that, and if this plan was in place before that 90 days, the moratorium would be dropped.

Chairman Hair asked, Commissioner Odell, do you have a question for Mr. Brannen or —.

Chairman Hair said, oh, yeah. Yeah, I have a question for Rob [Brannen]. Good morning, Rob. How you doing? Mr. Brannen said, good morning. Commissioner Odell asked, have you talked to anyone thought what we're doing makes any sense that's not up here? Here's why —, here's why I asked you that question, and that is that we're soon going to be going into tight economic times and I understand the objectives of why this was done in this particular situation, but it gives business owners a concern as far as our consistency and whether or not this is a good place to do business because we cannot or they cannot predict with any level of certainty whether or not what we say exists is, in fact, what we're —, they can rely upon. My question, quite simply, to you is —, Rob [Brannen] and I have known one another for a long time —, is other than the people sitting up here, am I the only one that thinks that this is not the greatest idea since sliced bread, that we're trying to solve a problem and this may be the longest and the hardest way to solve the problem? Mr. Brannen said, I agree with you. I haven't talked to anyone in the business community who thinks it's a good idea to use a moratorium this way. Commissioner Odell said, yeah, it —. Mr. Brannen said, it's not a good [inaudible]. We're in a —, I'm not an economist, but we're in a recession now and, in my opinion, our real estate market here in Chatham County has been what's kind of keeping us out and helping us out, and to stop development for 90 days, you know —. Commissioner Odell said, you know, it is —. Mr. Brannen said, that's my opinion and not the opinion of the Board of Realtors. Commissioner Odell said, absolutely. It is not a sin to support business and it's not a conflict to say that support business and you also support individual rights, community characterization, but this has had a greater impact than that one project, and I think the rippling effect that it's creating may come back to haunt us in years to come.

Chairman Hair asked, are you finished, Mr. Brannen? Mr. Brannen said, I'm finished. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I think Mr. McMasters was before me and I'll follow him. Chairman Hair said, okay. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you. This question's for you, yeah. Since the Southeast Land Plan has been under way for almost five years and it's no doubt a small area, yet nonetheless an area that I'm sure your members of your organization of builders do business in, I would encourage you to either get on the MPC mailing list or have all the dates available for these public hearings and this citizens' comment. Those citizens are the same homeowners that your members will be doing business with. I think it would be incumbent for that professional organization to get involved and know what's going on, and the fact that you're not up to speed on it, there's a chance to get up to speed on it, and I just want to make a point that when my colleague Commissioner Odell commented that —. Mr. Brannen asked, should I be listening to this --? Commissioner McMasters said, yeah, you should. Mr. Brannen said, okay. Commissioner McMasters said, now that we're potentially looking at a downturn in the economy, rhetorically when times were great, when things were booming and whatnot three or four years ago, where was the support for the Southeast Land Plan from government? I think that's a reasonable question from these homeowners and the people that live in that corridor that would like the chance to participate in the land plan and address their issues. So that question goes both ways, and I think just because the economy may be turning in one direction does not necessarily mean that we just abdicate our leadership to these that have a concern in their area. I think it should have been continuous from the beginning and seamless regardless of economic times. This process —, my guess is with the public hearings at Bethesda on the 21<sup>st</sup> at seven o'clock —. Commissioner Murray said, 17<sup>th</sup> too. Commissioner McMasters said, and the 17<sup>th</sup> at Bethesda at seven o'clock, with the work that Mr. Nutting and the Southeast Plan Committee will do, this will be resolved and, quite frankly, this second reading may not even be necessary is my guess at this point, but the process is a valid one, it's an important one, and citizens who are the customers of your agents and brokers are in support of this.

Mr. Brannen said, sure, and I agree with you exactly, and the Board of Realtors agree with you. I mean, planning is very important and it is very important for us to do planning. We want to be on this committee, we want to participate and we always try to place our members on every committee that we're aware of to be involved in that process. We don't have any problem with that. It's just the moratorium that we have a problem with.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, the question being does it make sense what we're doing, and the answer to that would be if you get calls from constituents who live within that particular area, the majority of whom say we want this to happen, we represent those people, so it doesn't matter if it makes sense or not. If that's what they want, I'm their representative and I'm going to do what they want. And it seems to me that if Oglethorpe saw the good sense of coming to this community that had to be planned, that that vision should be carried through for the life of this community, not only from downtown, but through the outskirts of it. Because if we don't, you'll get what you see in Augusta and other places where it just was kind of mish-mash zoning laws, and it just doesn't look consistent or compatible or something that people want to buy into, and Savannah's a great

community, and when you go down the streets and you see the planned efforts that were there, it makes sense. That's what makes sense of the whole thing, that's what makes sense about the idea. But I agree with Commissioner Murray. If it goes beyond 90 days and the promise from the Southeast Land Use Committee that they can get it done by then is not done, I'll be for lifting that moratorium and moving on with business. Mr. Brannen said, planning is a great idea, but we need to need to plan and we support the plan, but what we don't support is not about the plan. You know, the plan is something that the Commission —, I don't know whether the MPC appointed the committee that works on this or not, but that's something that you guys are working on that you guys are trying to complete, and it's not complete. And I say, go complete it, finish it quickly, finish it in 15 days, if you need to, to get finished, but don't impose a moratorium on the realtors and the builders while you're doing it. Just finish the plan and let's move on with it.

Commissioner Rayno said, the only other thing I would add is that I don't necessarily think we're in a recession right now. If you look at the tourism industry, it's been flat. The [inaudible] going into the ports has been up, the unemployment rate is very low, and I like the car commercial that's on the radio that says, "Business is booming," and it's going to be that way for a long time in Savannah.

Chairman Hair asked, is that it, Mr. Rayno? Commissioner Rayno said, yeah. Chairman Hair said, okay. I want to make a couple of comments and then Commissioner McMasters is next. Mr. Brannen asked, do you have any questions? Chairman Hair said, okay. I think it's important to point out that being in favor of planning and being against a moratorium are not conflicting views. All of us up here are in favor of planning, but some of us up here think it is a terrible time to even pass a resolution moving forward with a moratorium even if we do it in two readings. We have a lot of very important projects pending in this County, and the people that look at us don't care what we say. You know, we can say we're pro-development, we're pro-business, but if we vote for a moratorium, they're going to base their opinion of us on our vote, not what we said, and I just think that I would hope that today we would not even move forward. Even those that are pushing a moratorium have stated several times that it's probably not going to be necessary anyway because the Land Use Plan is probably going to be finished before the moratorium will take effect. So if that's the case, why do we want to send the wrong message by voting for a moratorium when it might not even be necessary? And if we find it to be necessary three or four weeks from now, that's a different issue, but if we even are in agreement that it might not be necessary, why do we want to send the wrong message that a moratorium is necessary? I just think that we need to think about that and I just think that —, and the last comment I will make is this. You know, if we haven't had ample time to put this Southeast Chatham Land Use Plan in effect, that's not the builders and developers problem. That's our problem. We didn't —, we didn't start the planning quick enough. So by a moratorium we are punishing innocent people because we didn't provide ample lead time to get the plan done, we want to do a moratorium on business and they're totally innocent in the is process. So we're punishing them for something that we should have done, and I think that's absolutely wrong and I think it does send the wrong message to —, to those people who might be looking to invest in Chatham County. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, I want to say that there is no moratorium in place nor will there be one at the end of today nor will there be one in two weeks, when we have a first reading, nor will their necessarily be one two weeks later at our second reading. The reason that the moratorium was suggested was that the County stopped its initiative in supporting the Southeast land planning process, which was something that the County gave full faith and confidence to originally. When this County came on tough financial times in 2000 and we did not fund our portion of MPC, the City stepped in and covered the County's shortfall and said that if we're funding the most of the MPC, we want work to go forward on City projects. I think that was reasonable. Well, the Southeast Land Plan, once our funding came back, never really came off the shelf, never really got dusted off, and it was never revitalized and supported the way we originally pledged to support it. Now that's unfair. That's —, we made a commitment, we let the thing languish, we didn't fulfill our commitment to the residents that wanted to have a voice in the planning process for their small geographic area of Chatham County. That's unfortunate. A moratorium merely was a means by which to ensure a head support and due diligence on behalf of MPC and this Commission. If, in fact, the Southeast Land Planning Committee comes back and reports to us in two weeks or four weeks that their work is coming to a close satisfactorily, as it should have —, and let me suggest something here. If we had not shelved and back-burnered this project, we might not have had, I submit to you, the consternation over the Target, over the Walmart. We could have handled that in a much more smooth and fluid fashion. So the fact that we made a full promise to the community, let it start, let it stop, let it start, let it stop and then let it languish, that's the reason that an impending potential moratorium was suggested so that we would get off the stick and fulfill our commitments as originally promised to the citizens within this corridor. I don't think that's an unreasonable thing. I think that's fully reasonable and, as reasonable people, if that committee comes back to us and reports that everything is moving ahead well and completion is near, we could abandon this. And I remind you that there's no moratorium now, there's not one next week, there's not one two weeks from today, and there's not one four weeks from today.

Chairman Hair said, Dr. Thomas, myself and Commissioner Kicklighter. Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you. I just wanted to ask a question because this has come up several times through the discussion of several persons with reference to the single family permitting, and I'd like to know if a moratorium was imposed what impact would this have on the single family permitting process. Chairman Hair said, Mr. Hart, I think, addressed that earlier. He —, as currently written, it would impact that, but he could modify the language —. Commissioner McMasters said, and there's agreement to modify it. Chairman Hair said, now they're saying there's agreement to modify it, but as it's currently written —. Commissioner Thomas said, written is —. Chairman Hair said, it would prohibit that as well. Commissioner Thomas said, okay, because there seems to be a lot of concern, you know, among those who have either approached us this morning or through various letters, and I just wanted to make sure that that was addressed.

Chairman Hair said, okay. I want to address another issue. You know, people that are planning can handle negative action better than uncertainty, and to say we don't have one today, we might not have one two weeks from now, we might not have one a month from now, but we might have one a month from now is worse to the business community than saying that we've got one. So I think the fact that we just want to leave it out there and make it uncertain, you know, I just think that it does not send the right message as well. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. I just want to say I support and admire Commissioner McMasters's efforts to get the MPC to finish the land study plan. I guess my fear is that maybe we're —, I don't know the right words, but going it possibly in the wrong direction if this is, I guess, pretty drastic measures to let the MPC know that we want them to finish a plan. And I would say that if —, should this, if there's a motion made to carry forward with this and it fails, I'd like to see immediately following that, if that happened, a motion for a resolution for the MPC to finish the land use plan within —, Commissioner McMasters said, 90 days. Commissioner Kicklighter said, — fast. I would even say faster than that if we think they can get it done within 90 days, but I think the definite intent of Commissioner McMasters's proposal is to let the MPC know, without any doubt, that this Commission wants that plan finished, and I believe what's taken place so far, they should have that message and should have heard it loud and clear and, you know, like I said, I want the plan finished, but I don't really see the need to implement, you know, this —, stopping development of the entire area, but we can send that message that he's wanting to send by creating a resolution to have that plan finished within 90 days.

Chairman Hair asked, does anyone else from the audience want to speak on the public hearing?

Ms. Gay Hewitt said, good morning, Chairman and Commissioners. My name is Gay Hewitt and I live in Southeast Chatham and I'm a member of the Southeast Chatham Land Use Planning Committee. I have just a couple of remarks. I guess, to start with, the question that Commissioner Odell asked if it makes sense. To the committee and I think to most of the residents, the ones that we've been in contact with, it does make sense, and one of the reasons it does make sense is that what's happened in Chatham County for, I think, the 34 or 35 years I've lived in Southeast Chatham is that planning —, while planning goes on, the problems are in fact exacerbated by more building that doesn't fit the plan. By the time the plan is put in, the mistakes have already been made. It's damaging to the people who live there, who've bought homes in that area, who've made their lives in that area. The moratorium would give us the chance to get the plan in before more damage occurs. I also would remind you it only affects about 10% of Chatham County, and there's not really much commercial room or, I'd say, land that's zoned commercial left in that area. The moratorium would exempt single family dwellings or single family buildings, and I really don't think that the inconvenience of people in the building profession should take precedence over the living conditions of people who live in Southeast Chatham County. It's mere a protection. The moratorium, and I'm on the plan —, let me say we have our public hearings next week, October 17 and 21. We worked late on it. Last night we worked on it. We have not been negligent in completing the plan. It takes a lot of input and we have to have many, many meetings. People have to see all the mapping. We're not trying to do anything so quick that we have a lot of regret. We have lacked the support —, the financial support with the professionals that we have to have, and that has held it up, but we are back in process. We'll have the public hearings, we'll go back to the drawing board, we'll go back with the MPC assistance professionally, and we'll get it finished. It is almost —, well, it is in it's last stage. I don't think a moratorium to prevent more damage from being done to Southeast Chatham in the sense that —, with the provision that it exempts single family and that, of course, that the Land Use Plan would be put into effect in that length of time. Then we can build the way we should be building, and I think most people, developers, people who come in —, I noticed the paper talked about we want quality developers —, I assume we already have quality developers, but I would assume that they would like quality planning. It would, in fact, encourage development in that area, I think, if we could get this done. The moratorium will simply give us the chance to prevent more damage from being done to the Southeast Chatham area for residents. Thank you.,

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

Commissioner Odell said, I've just got a couple of comments and respond to your misquote of what I said. I'm not against planning. My statement cannot be viewed as I'm against planning. What I'm against is our doing a moratorium to halt. I think that that sends a bad message. That is anti-business. Whatever you say, I think it's anti-business. My question to you is, if you knock out the single family residence and you just talk about the business, what percent in that 10% that you identified is undeveloped? Ms. Hewitt said, I don't know the exact percent, Commissioner Odell, and as far as you —, I was answering your question did it make sense to have a moratorium, and in the land use planning operation, it does make sense to have it. I don't know the percent that's open for commercial development, but this would prevent it from taking place in an area —, in a way that is detrimental to the residential area until the planning is in effect in which the map will be set up to protect the residential —. Commissioner Odell said, right. I agree that what we should have done was funded it in 2000. We did not do that. Not to be pro-business and anti-community, I'm concerned that our failure to do that should not cause business who rely upon a piece of property being zoned. Additionally, it concerns me that all of this is created because of one property —, Walmart. We first discouraged the other company that said, "No, I don't want to do business here," and then we have Walmart, and we have gone through all of this. If this is such a good idea, a necessary thing to do, why is it centered only after there's a major opposition to oppose Walmart, and I'm not saying I support Walmart or —, support or don't support it. My concern is I want consistency in government. Moratoriums do not allow that consistency, and we can differ on that. Ms. Hewitt said, I'm sure we can, but it doesn't affect Walmart, Commissioner Odell. Commissioner Odell said, I understand. Ms. Hewitt said, it doesn't affect anything that's already in process. Commissioner Odell said, but that's why we did it initially. That's why the ball was put into play. Ms. Hewitt said, I don't agree with that. I'm on the land use planning committee and I think —. Commissioner Odell said, I'm not talking about how the plan got developed. Ms. Hewitt said, oh, you're talking about the moratorium. Commissioner Odell said, I'm talking about how the moratorium got developed, yes. Ms. Hewitt said, well, it wasn't to prevent Walmart. It was to prevent a similar instance within the next two months from coming up and, believe you

me, they can come up as this one did. So it will not stop that project, and we're not intending that it stop that project. We're just trying to prevent another project —. If it takes us two months or three months to get this plan into effect, you might be amazed at how —, what could happen out in Southeast Chatham in that length of time because of the inadequate planning in zoning that's been done in the past. There is so much nonconforming out in that area that it would be, I think, an eye opener to ride out there and take some zoning map and look at what actually does go on in Southeast Chatham. Commissioner Odell said, oh, I agree. You and I are not differing on whether or not we need to plan. Ms. Hewitt said, I know. Commissioner Odell said, I agree. My only concern from a business standpoint is that I think from a community standpoint it gives the wrong message to people who wish to relocate in the County. They may have to question whether or not it's a reasonable thing to do. Ms. Hewitt said, well, I think reasonable people can disagree, but I think if I were wanting to relocate there, I would be glad to see a 90-day holdup until the area that I wanted to relocate in could be planned properly, and that's exactly what we want to do. Commissioner Odell said, assuming that it's not, for the part. Ms. Hewitt said, well, it —, there are large areas that are not that is —, I mean, I know because we've been looking at the present use and the future use and the nonconforming use, and really we have done a lot of study and we have a lot of maps that would be helpful if you came and looked at them, or all of you, Commissioners. How many of you have seen the land use planning maps? Commissioner Odell said, I'm going to yield a few moments to Mr. Kicklighter, who has some other questions for you.

Commissioner Kicklighter said, I need clarification, I guess from the attorney, on something because when this idea of a moratorium was first passed, I thought it excluded the Walmart property totally, but now it came to my attention that it actually includes the 20 or so acres that's not currently under plan, so it affects that property. Although we say it don't, it does, but help me out here. County Attorney Hart said, well, it gets to be a little bit complicated if we're going to talk to that specific development plan. As I understand the current development plan on the Walmart property, it's about approximately a 50-acre tract of which approximately 30 acres there is currently pending before the MPC a request for approval of a general development plan and a very specific development plan in regard to those 30 acres. This moratorium would not affect the process, and that process would draw to a conclusion and take its course as any other petitioner would on the merits of its situation. The second portion of that property is 20 acres, which there has only been requested a general development plan approval as part of the current permitting situation. That general development permit has no structure or dwelling on it or no improvement on that 20 acres. It's just defined as future development. Should the developer get that approved as a general development plan, that would be his general development plan, a vacant piece of land. If in the next 90 days that organization were to come back and want to develop that property, assuming this moratorium is passed, they would run up against the moratorium because we would consider coming back in for a specific development plan and a modification of that perhaps —, and I say perhaps —, an alternation of the plan may have to be considered on the merits, and if some type of master plan zoning were put into place about that and this Commission exercised its discretion to do that, and there wasn't a current application pending on that plan, then it might be subject to whatever zoning classification in accordance with the plan. And that's a lot of may's, but that's about as good as I can answer based on what we have.

Ms. Hewitt asked, may I answer something about the plan? It does not —, the plan that's in process of going before the public has not changed that zoning at all. It's —. Commissioner Kicklighter said, no, ma'am. Yeah, I wasn't —, I was talking about passing the moratorium you stated it wouldn't affect Walmart is which —, what I thought also back when it was originally done, but then I learned later that it would affect a portion of the property or whatever, which kind of surprised me because I didn't think that was included.

Chairman Hair said, thank you, Ms. Hewitt. Anyone else? Mr. Nutting and Mr. Stack. Who wants to be first?

Mr. Donald Stack said, thank you, Dr. Hair, Commissioners. As you know, my name is Donald Stack. I'm here on behalf of Save Our Sandfly and the Sandfly Betterment Association. Let me as a very initial matter say that I think unfortunately this matter has gotten to be unduly polarized and unduly frictionized, if there's such a word, and I think that's unnecessary because I think what Ms. Hewitt was trying to demonstrate to the Commission on behalf of the citizens of Sandfly and the southeastern area that we're not opposed to growth and we are not opposed to development and, contrary to Mr. Odell, that this is not related to Walmart. Let me say that again. This is not a Walmart issue. This is not a Target issue. This relates to the desires of a significant portion of the County to have proper planning. And, Dr. Hair, you say you're in favor of planning and we're all in favor of planning. That's like being in favor of mom and apple pie and baseball and everything else. Chairman Hair said, I'm in favor of those, too. Mr. Stack said, good. Commissioner Odell said, I am, too. Mr. Stack said, and I'm certain, you know, that —. Commissioner Odell said, especially apple pie. Mr. Stack said, thank you, and Mr. Grant and my clients, who went to the University of Georgia, who's here on behalf of the realtors, he says he's in favor of planning. Great. But the question really comes down to then what is the concern that relates to proper planning and giving the process the time necessary to ensure that proper planning? All we have said throughout this is that this is a way to integrate the Tri-Centennial Plan, the Southeast Corridor, all the efforts that you as a Commission are trying to make on behalf of ensuring good growth, smart growth, and I have to assume that the development community also believes in good growth and smart growth. If they do not, then why would they be opposed to a moratorium that attempts to ensure good growth and smart growth? What we are trying to do is avoid a race to the courthouse, so to speak, and putting the finger in the dyke right now while we go through that process. Ms. Hewitt's addressed that. She has said, "You'd be surprised what can happen in that interim time period." No, you shouldn't be surprised. You've been on this Commission long enough to know what can happen in a short time period. Mr. Odell, you said it's not a sin to support business. Well, I would submit that it's not a sin to support community planning. It's not a sin to support —. Commissioner Odell said, I don't think I said that. Did I? Mr. Stack said, yes, sir. Commissioner Odell asked, did I say it was a sin to support community planning? Mr. Stack said, no, sir. I'm submitting to you that it's not a sin to support community planning. Commissioner Odell said, then we're in agreement. Mr. Stack said, right, and again I would agree that this is not about one site. This is about proper planning for the entire future for this portion of the County. There's been a lot of Chicken Little, you know, the sky is falling here about what could happen to the entire economy when we are

talking about a small portion of the County for a small period of time. It just —, I guess it just amazes me —, Dr. Hair has asked —, said actions speak louder than words. Well, what message are you sending if you're not willing to put your words into action? And what you're sending is that as a Commission you have the backbone, you have the ability, you have the authority to ensure that there's proper planning for the future. There was also the observation made, well, you know, the failure to fund the planning process is now wreaking a penalty upon the business community and that they should not be penalized, and I would submit to you that's the exact same rationale that was provided for why you shouldn't address 11.3. You said, "Well, we didn't do it for so long, now how are we going to deal with the ramifications of that." Well, this is what the moratorium is attempting to do. It's attempting to deal with the ramifications of failing to fund the planning process, as you all committed to doing. So you don't make a problem right by continuing to have two wrongs. So two wrongs do not make a right. I would submit to you that a moratorium is appropriate for a limited purpose for a limited time, and that is what you're doing here. You're doing nothing more than that. So I would ask you to get past the hyperbole, get past the emotion, and get past the fact that the sky is not going to fall if you enact a moratorium. Thank you.

Vice Chairman Thomas recognized Commissioner Rivers.

Commissioner Rivers said, I hate to —, I've got some unreadiness on this whole thing here. One of them is, you know, we stand up here and we say Sandfly. Everything is predicated in Sandfly, yet we're talking about the Southeast quadrant. Milton [Newton] or the County Attorney, either one, the north side of Montgomery Crossroad, where is that located at? County Attorney Hart said, the City of Savannah. Commissioner Rivers said, okay. That's one thing. So that tells me that I have no jurisdiction on that side. That tells me that. Number two, when we talked about the corridor study, what definition did we give? Was that included? Was it excluded? I don't know. So if we're talking about protecting all of Sandfly and the north side of Montgomery Crossroad, then that should be in the City's purview. That's not even included in this Southeast study. And somebody tell me whether I'm right or wrong there. County Attorney Hart said, no, sir. When we talk about the Southeast Chatham at the last meeting, I don't think anyone exactly knew what that would encompass and the direction was given for the MPC to go out and create a map so that everybody would know what was in that study or not in that study, and as a result of that, in order to do the notice for public hearing, that required us to run the boundaries of that, and when you run the boundaries of what is currently in the Southeast Chatham Study, the south side of Montgomery Crossroad would be included and the northern side of Montgomery Crossroad, because that would be in the City of Savannah, is not included in that. Commissioner Rivers said, so, you know —, and this is why I went to MPC and asked —, even before you got that map, I asked Milton [Newton] to show me what was going on here, and I want to be sure that, you know, if we're looking to protect what we need to protect, and if we're talking about protecting Sandfly, then the City certainly has to be in correlation or collaborated with in order to achieve what we need to achieve overall.

Mr. Milton Newton said, Commissioner, I would say that the north side is in the City. We would not be able to do legitimate justice to the area that's in that the unincorporated County if we did not take into consideration also the north side. So our corridor effort, we would also have to look at the north side. That is consistent with the Tri-Centennial Planning efforts that's a part of the City's activity. But, you're correct, it would not be an area that would be under the jurisdiction of the County.

Commissioner Rivers said, okay. My next question would be then how do we put protection on that side to stop it from becoming a commercial thoroughfare? Mr. Newton said, that's something we would have to address through the plan process and certainly that we're prepared to look at, and that would certainly be made available. County Attorney Hart said, that is something though that the City of Savannah would have to act on though. Commissioner Rivers said, yeah. Is the City of Savannah —, are they in agreement that that needs to be done, or have they even been approached? Would they even know? Mr. Newton said, they are —. Commissioner Rivers said, that we need to address that issue? Mr. Newton said, they have been approached in the sense that they have directed us to do a plan for the entire City. This would be a portion of that. Commissioner Rivers said, okay? Does that come out at the same time that this plan here is going to come into effect? Mr. Newton said, well, the corridor study and Montgomery Crossroad will come in advance of the rest of the City. Commissioner Rivers said, okay, then the City would be able to act on —. Mr. Newton said, it would be made available to them should they choose to act. Commissioner Rivers said, then I would advise the people of Sandfly to move post haste to get the City of Savannah to address those issues.

Chairman Hair said, thank you. Mr. Stack, do you want to continue?

Mr. Stack said, thank you. You're exactly right, Commissioner. In fact, our folks very clearly recognize the jurisdictional limits of this Board. In fact, you spent an amount of time this morning addressing where citizens should go and what the proper process is and how they should go through that, and we ought to recognize and present our concerns as it relates to this Commission for those areas that this Commission has jurisdiction over, and obviously we're also addressing with the City of Savannah those issues that need to be incorporated or coordinated, as you say, with the City of Savannah. It certainly does not minimize the impact or the efforts that you all can take by not being able to have control over everything. So we're obviously saying to the extent that you have any input and you have any ability to meaningfully effect change in this area, that's what we're asking for, and we recognize that's not the entire parcel or the entire area of Sandfly, but we are asking you to address those things that you can address.

Chairman Hair said, thank you, Mr. Stack. Chairman Hair recognized Mr. Nutting.

Mr. Sid Nutting said, my name has been used in vain here a number of times this morning it looks like. Gentlemen and ladies, I want to remind you that the plan goes on whether there's a moratorium or not, but the effect of not having a moratorium is that mistakes that you are trying to correct can continue to happen. All that someone has got to do is apply. Now I will remind

you that that occurred with the Kroger situation at Marshpoint not too long ago, and that was based on the whole question is it guidelines or a rule, and the County Attorney's ruling that the MPC could use their discretion. So that went on and now there is a store on that site way above the square footage, which somehow in the shuffle of trying to find other ways to approve it, we ignored the square footage consideration. The store sits at the edge of a 50-foot setback in which by their own drawing is a high-load highway that the big trucks go around and their exhaust pipes are closer than from me to you to a whole community of bedrooms in the mobile home park. Some people have been living there 30 or 40 years. That one called for 30-foot parking spaces —, 20-foot parking spaces. Unless they've changed them, there wasn't a single one on the drawing that got approved. So the citizens who are in the interest of getting action taken, if you could find another way to wave a wand and get things stopped so that a plan that you have funded and want to have can get done, then please speak up, but right this minute there is a, we contend, much out of place development going on, a subdivision, in a historically large single family kind of —, single home kind of development along the east side of Ferguson that's pending before the MPC. Now had this plan been in place, I dare say that would not have happened. But now it has and between now and when the plan can get done, to say nothing of your big plan, and we haven't even started on the Westside, there are all sorts of things that are going to happen, and that's fine, but how do you —, how do you keep things that you know have been bad, you know it's been bad to the extent you have funded a big study, and you are pursuing it regularly, and yet you, by not getting any kind of mechanism going, they can continue to go. And it's —, whatever the plans are for all of these areas, they've got to come before you. There are all sorts of legal things that will delay them, so we might be looking before the Centennial [sic] Plan is completed many years. In the meantime, we need to somehow, a piece at a time maybe is all we could do, and we would favor the guidelines or guidance that you all need to furnish the MPC and the community. We have—, in the process of all of this we have listened to a lot of people, we've got to have public hearings, there's no telling what will come up at the public hearings, and what we're trying to do is to find out what are the rules of the game. We have a situation where if the MPC is going to have discretion, then we don't even need any rules. They can decide on the basis of what's before them today what they want to do, and so I think if you decide that a moratorium is not appropriate, then you've got —, you owe the community and the MPC and all those citizens that are working on it, and the people who'll be impacted by the result, some other alternative. So I think obviously the builders are concerned because this slows down the process, but that's —, that's why there's a need, and I hope that —, I hope you will consider it. If you don't —, if you don't want to support a continuation of this idea, then you ought to help us find another way, and in the meantime you have a lot of legal questions to answer yourself. Those issues that were raised at the last meeting and the things that you directed be done at the last meeting are still pending, and in the meantime the situation stays normal if you don't have a moratorium. So I'd be glad to answer other questions.

Chairman Hair asked, Commissioner McMasters, do you have a question of Mr. Nutting or just have a comment? Commissioner McMasters said, I have a procedural question, if I may. Chairman Hair said, certainly, I think that's —. You have a question of Mr. Nutting, do you not? Or not?

Commissioner Odell said, I guess my question is if —, and I listened intently to what you said and I respect your opinion, but following the logic and your ultimate conclusion, shouldn't we have a moratorium on the Westside? If you follow that logic? Mr. Nutting said, fortunately I don't —, I'm not concerned with that, but I'll ask you —. Let me ask you with —, let me answer you with a question. What's going to keep a lot of mistakes from happening on the Westside? Commissioner Odell said, I agree, Mr. Nutting. I'm not disagreeing with you. What I'm trying to do is try to follow your logic. If you say to us give us another option other than that, why don't we say to Mr. Kicklighter we need to do the same thing on the Westside? Mr. Nutting said, I think —, I have —, before you twice I have brought to you attention. That's where good planning can occur. You've got all the —, you've got large tracts of open land that we and others used to grow pine trees on that would lend themselves to ideally for planning. You've got new roads that are being built to access those areas, and now is the time to have a good plan. Commissioner Odell said, just a follow-up question. I'm not recommending that we do that for the Westside. I was simply asking as if I follow your logic, then why not do it for them. Mr. Nutting said, the City is, of course, the same. All the little cities are the same. Some apparently are more active than others, but the State is mandating a comprehensive plan and at the moment it's not in full bloom.

Chairman Hair said, thank you, Mr. Nutting. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. At the last meeting by a vote of seven to two we were in agreement that this potential moratorium would serve the purpose, in this limited narrow area, of facilitating the long overdue completion of the Southeast Land Plan. Am I correct that the only question here before us today is whether or not it is done by resolution or by first and second reading? Is that correct? Chairman Hair said, I was not present when that vote was taken. I was —, I had to go make a presentation, so I'm not sure what —. Sybil [Tillman], can you clarify what, or Mr. Hart, either one of you can clarify what the motion was? I was not present. So the vote wasn't seven to two because I wasn't here, so —. Commissioner McMasters said, well —. Chairman Hair said, I want to clarify the record, it was not a seven/two vote. County Attorney Hart said, right now we're in the middle of a public hearing, and my understanding is y'all are collecting information to decide whether y'all want to proceed, not to proceed, whether you want to do it by first and second reading or resolution, and then come up with the language that you want and can agree upon if you decide to pass a moratorium. Chairman Hair asked, do that answer your question? Commissioner McMasters said, okay, well, can I —, then let me make a motion that we modify the moratorium to exclude —, so that single-family applications throughout the Southeast Land Plan can go through, which was something that was brought to our attention and was evidently not specified in the original —. County Attorney Hart asked, and you're talking about an approved, existing subdivision? Commissioner Murray asked, won't we have to come out of the public hearing before we start making motions? County Attorney Hart said, yeah, we need to go out of the public hearing. Chairman Hair said, we've still got some —. Commissioner McMasters said, well, then I'll hold off.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, if I'm not mistaken, the motion that was made at the last meeting was you would let us know whether we could do it by resolution today or whether we would have a first and second reading by law. County Attorney Hart said, yes, sir. We had --, we had a question about whether we had --. Commissioner Murray said, which way we could if we were going to go forward. County Attorney Hart said, there have been a couple of things that have made it easier. Commissioner Murray said, and I think it's pretty obvious that the votes are not on this Commission to do a resolution today to enact it. So that leaves us with one option and that's the first and second reading, which the first reading would be at the next meeting if we move forward. County Attorney Hart said, yes, sir, that could happen if that's what y'all choose. Chairman Hair said, that would be the only solution.

Chairman Hair recognized Mr. McCorkle. Chairman Hair said, before you start, Mr. McCorkle, is there anyone else after Mr. McCorkle that wants to speak in the public hearing? Okay, he'll be the last witness then. Okay, continue please.

Mr. Phillip McCorkle said, my name is Phillip McCorkle and I freely admit that I am a biased attorney. I am here representing a client. The --, I do think a moratorium is a very large step. You've heard enough from other members of the business community, I know you've received letters from SEDA and the Chamber looking at it in the big perspective. I'm looking at it for one client. I don't want anything said here today to imply, and I think this may have some impact on whether you decide to even pursue the moratorium path, to imply that a moratorium would impact the remaining 20 acres of my client's property. Mr. Kicklighter raised it as an issue. I know the moratorium is not phrased to specifically deal with my client's 50 acres. We all know that that's what got it cranked up. I think it's been accepted that on the 30 acres that we've moved way too far along for a moratorium to impact us. We're vested. I know other people may have a different opinion, but I believe that's correct opinion. I'm very comfortable with the facts on the 20 acres that we have also moved far along on the general development plan that was approved last year on the entire site, spent money, relied upon the zoning ordinance in effect, and the moratorium is not going to impact any of our property if you decide to enact one, and I bring that up not to be argumentative, but that will be our position. Now Mr. Hart, when he answered Mr. Kicklighter's question, used a lot of may's and might's and there are a lot of factual questions in any decision made by a judge, but our position is going to be very clear and I feel very comfortable with it that we're vested on the entire site, and that may --, since we all know that the moratorium really is aimed at the Walmart development --, that may have some impact on whether you want to take such a drastic step to impact 10% of the area of the County when really what you're trying to do is stop one site, and I ask you not to do that.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, I have a question of Mr. McCorkle. Mr. McCorkle, your understanding of zoning law, would you agree that zoning law is designed to protect multiple interests, that is, the property owner, the neighbors and the community at large? Mr. McCorkle said, that's correct. Commissioner McMasters asked, when your client bought this property, was it 1987? Mr. McCorkle said, '89. Commissioner McMasters said, '89. It was 52 acres then, correct? Mr. McCorkle said, correct. Commissioner McMasters asked, it's 52 acres today, correct? Mr. McCorkle said, no, the County bought three acres at a commercial value about six months ago for the widening of the parkway. Commissioner McMasters said, okay, forgive me. So it's 49 acres. Mr. McCorkle said, approximately. Commissioner McMasters asked, when your client bought it, it was zoned PUD-B-C, is that correct? Mr. McCorkle said, my client put it under contract and would not have bought the property had it not been rezoned to the existing zone. A zoning application was filed during --, while the contract was pending. When the rezoning was approved, my client bought the property in reliance upon that rezoning, yes. Commissioner McMasters asked, and what was that zoning? Mr. McCorkle said, PUD-B-C. Commissioner McMasters asked, and how many square feet can be built under the PUD-B-C standard? Mr. McCorkle said, there's no limitation on square footage. That's been my position from the beginning, and it's the correct position. Commissioner McMasters asked, so it's your opinion that he could build 900,000 square feet on it? Mr. McCorkle said, no, you're limited certainly by the size of the tract, the buffers, the setbacks, the building and parking. What logically can go on a site is what can go on the site. All uses allowed in the B-N and the B-C zone are allowable uses. That's the way I see it. The guidelines, in my opinion, and this has been my opinion for two years and Mr. Hart's aware of this opinion, is a slightly different opinion. Other people have slightly different opinions yet again, but my opinion is that the guidelines that say the types of uses, the size of the center, how many stores you normally would have as a guideline used by the Commissioners at the time that they zoned the property. For example --. Commissioner McMasters said, right --. Mr. McCorkle said, for example --, let me finish. Commissioner McMasters said, sure, please. Mr. McCorkle said, it says that B-C allows department stores, junior variety stores, et cetera, et cetera, et cetera, and the like. It's in that same little box where it says 45,000 and 200,000 square feet. Certainly nobody's tried to take the opinion that's a limitation on the number of uses that can go on the site. The ordinance clearly says that the uses are all uses allowed in the B-N and the B-C zone. Therefore, that little box is nothing but a little box to help the County Commissioners decide, who are the only people can zone property. I agree with the position taken by Mr. Blackburn last year when we were litigating the Target issue, which we prevailed in on one step all the way through the Supreme Court. My position has always been that that was the guidelines to be used by the Commissioners when they zoned the property. It is not a limitation, and I'll stand by that position.

Commissioner McMasters said, okay, the uses under the PUD-B-C is not my question. It's your testimony that there is --, this client has every right to build as much square footage as he chooses or as you deem this property capable of maintaining. Is that --? Mr. McCorkle said, no, he can build as much square footage as the site will reasonably allow pursuant to the guidelines contained in the site plan guidelines --. Commissioner McMasters said, okay. Mr. McCorkle said, in the ordinance. Commissioner McMasters said, you used, and I think --. Mr. McCorkle said, and I'm not testifying. That's my opinion. Commissioner McMasters said, okay. The fact of the matter is that before page 159 of the zoning book it says standards, standards, standards, and standards for this particular classification are, are they not, 45,000 to 200,000 square feet? Mr. McCorkle said, no, they're not. Commissioner McMasters said, no, they're not. Mr. McCorkle said, no. They're guidelines to be used by the County Commission at the time they adopt the zoning. The choice was PUD-B-N, where you looked at the

size, the number of stores, the types of uses that the site would reasonably allow. We've got 52 acres. You could have done it PUD-B-R, which would have allowed unlimited size, but it would have also allowed all the uses in a B-H zone, like strip joints, those type things. This is the answer to your question. The number of square feet in that box is no more important than these types of uses and the sort of the number of stores. The box says PUD-B-R for over 40 stores, PUD-B-C from like 10 to 40. Those are just guidelines to be used by this Commission, and it was used by this Commission in 1989 when they rezoned the property and, Mr. McMasters, there was a sketch plan attached to the zoning application that showed 343,000 square feet of retail space on that site; 343,000. So there was no hidden agenda. There was nothing not seen by the County Commission in –, and I think one or two of you were here then –, the County Commission rezoned that site showing 343,000 retail square feet. Commissioner McMasters asked, Mr. McCorkle, do you consider speed limit signs guidelines or standards? Mr. McCorkle said, completely different. They're standards. They're the law. Commissioner McMasters asked, well, is the zoning book of Chatham County not the law? Mr. McCorkle said, yes, if reasonably interpreted, it is the law. Commissioner McMasters said, okay. Let's go with your idea of guidelines. Let's grant guidelines for just a moment and go back to 1989 when this property was acquired, and you've got unfettered interpretation here in this scenario as guidelines. Do you think that it was reasonable back in '89 that the applicant could build the cumulative 360,000 on that property at that time? Mr. McCorkle said, I did. The County Commission obviously did, they rezoned it for that use. Your predecessors rezoned it for that use with 340,000 square feet shown on the sketch plan. Commissioner McMasters said, okay. Mr. McCorkle said, let me get something straight here, Mr. McMasters. The application before the MPC at this time is for 191,000, nowhere near –, not over 200,000, so if this discussion has a purpose, I'd be glad to continue. But there's nothing –.

Chairman Hair said, Mr. McCorkle, if I could interrupt you a second. I'm going to allow a little bit more discussion. This is really a public hearing on the land use plan and moratorium. I think we are very close to crossing that line of whether it's germane or not. This is an argument about a particular site plan, and I'm going to ask Commissioner McMasters if you would –, respectfully I would ask you if you would just wrap this questioning up because I think you –, it's really not germane to the public hearing. Commissioner McMasters asked, did you want me to stop? Chairman Hair said, no, sir. You can finish your –, how long do you think it will take you? Commissioner McMasters said, just a minute more. Chairman Hair said, okay, that's fine.

Commissioner McMasters asked, do you feel, Mr. McCorkle, that the conditions affecting this site today, that is the conditions that affect the neighbors and the community at large, are the same conditions, that is the volume of traffic, of congestion, of noise, the quality of life issues, are the same today as they were 13 years ago? Mr. McCorkle said, no, it's a much better situation today with the advent of the parkway. Thirteen years ago there was no parkway. All traffic that left that site would have left on a two-lane Montgomery Crossroad, not a five-lane Montgomery Crossroad. Although that's true, there was a calculation by Mr. Harrington, who was a member –, who was the traffic expert at the MPC, that the two-lane Montgomery Crossroad would handle the traffic from the 340,000 square feet of development. Mr. Mendonsa, who's no longer with us, who was a very strict planner, a very good planner, asked at the MPC meeting how big was the site proposed to be. Mr. Bellinger, who was Executive Director of the MPC, said approximately 340,000 leasable square feet, and that the opinion was that the traffic was –, could be handled. Now certainly there's more traffic. Montgomery Crossroad is a five-lane road and the real key here the parkway will handle most of the traffic on and off that site. There is not a traffic issue. I think the MPC did an excellent job last year when they required us to put an impervious, you can't see through it, lush, full vegetated buffer on the site which nobody would ever have anticipated because it's never been done in this community before, a 100-foot buffer that you can't see through in front of the property, a 50-foot buffer on the side on the Casey Canal Parkway that you can't see, 25 feet in the back where you can't see through, backed up to the gun club, who doesn't care. So we have done an excellent job in utilizing this site, so I have no apologies to make.

Commissioner McMasters said, here's my last question. Mr. McCorkle said, okay. Commissioner McMasters said, I'm just astonished that your opinion is that the conditions today are in fact more favorable for this mammoth use than it was back in 1989. My last question is do either you or the property owner live anywhere near this site? Mr. McCorkle said, no, I don't, I live downtown. Commissioner McMasters said, okay, thank you.

Chairman Hair said, okay. Commissioner Murray asked, can I ask him one quick question. Chairman Hair said, Commissioner Murray has a quick question.

Commissioner Murray said, you kept referring to 1989 when it was rezoned, and if I'm not mistaken Commissioner Rivers and myself were the only two sitting on the Commission that were here that were participating in that. Mr. McCorkle said, yes, sir. Commissioner Murray said, whether it's good or bad, and I guess my question is at that time I believe Calvary Church owned that property. Is that correct? Mr. McCorkle said, they did own the property. Commissioner Murray said, and it was rezoned for Calvary Church to do a particular project. Mr. McCorkle said, no, sir. It was rezoned, Mr. Murray –, it's hard to remember 13 years ago –. Commissioner Murray said, I understand, I'm getting older, too. Mr. McCorkle said, with the zoning petition –, with the zoning petition –, the actual petitioner was William L. Grainger, and with the application was a sketch plan showing the shopping center there. Commissioner Murray said, okay. Mr. McCorkle said, nothing different. Commissioner Murray said, okay.

Chairman Hair said, okay. Thank you very much. That concludes our public hearing. I will declare the public hearing adjourned at this time, and I will call on Commissioner McMasters. Do you want to make any motion or –.

Commissioner McMasters said, well, first I'd like to –, and procedurally maybe you can help me here. I'd like to amend the –, or clear up the confusion about single-family homes that were in doubt. I think clearly single-family homes should go forward. If I need to put that in the form of a motion that we allow –. Chairman Hair said, let me ask you a question. Do you want to

proceed through the resolution method or do you want to proceed through the –? I think the consensus of opinion was we should do the first and second reading. Is that the way you want to proceed? Commissioner McMasters said, yes. Chairman Hair said, all right. Then I would suggest then that a motion would not necessarily be –, it would just be a direction to the attorney that the language be put in there to exclude single-family, already permitted subdivision, put that in for the first reading and it would not occur until the 25<sup>th</sup> of October. I don't think we need a motion.

County Attorney Hart said, and my understanding for the request is that we will exclude single-family residential lots approved and recorded in residential subdivisions will be excluded from the moratorium. Chairman Hair said, that's correct. We don't need a motion for that. Commissioner McMasters said, okay. Chairman Hair said, he understands that that will be the way that the –. Commissioner McMasters said, okay. Chairman Hair said, and that would be at the first reading level on the 25<sup>th</sup> of October. Is that correct? Okay. Everybody understand –. Commissioner McMasters said, I'd like to make that –. Chairman Hair said, okay.

Commissioner Murray said, well, can I –, just one thing while we're on that, that it will be stipulated that if this moratorium goes in effect, it's for 90 days only and it would not extend to anything over the 90 days, or it could be less than 90 days. County Attorney Hart said, it can be done that way. The way the moratorium reads right now today, as written, is it's a 90-day moratorium and expires. That means that this Commission, if it chose to extend the moratorium, setting aside the legal issues involved in extending the moratorium, it could exercise its judgment to extend the moratorium. Earlier today you said to me you wanted it to be like the Islands Land Use Plan –. Commissioner Murray said, that's right. County Attorney Hart said, – and if it is like the Islands Land Use Plan, the way we wrote that moratorium was that it would extend for 90 days, but would not be extended beyond 90 days, and if the Islands Land Use Plan was finished and approved within that 90-day period, it would cease as of the date of the approval of the Islands Land Use Plan. Commissioner Murray said, that's exactly what we want on this one. County Attorney Hart asked, is that what –? Commissioner Murray said, yes, yes. County Attorney Hart is that what Commissioner McMasters –. Commissioner McMasters said, yes.

Chairman Hair said, all right, the final procedural question that I'd like to clarify, particularly for the benefit of the audience, we have a lot of people here today that are on both sides of this issue that have taken valuable time away from their jobs to be here, it has been always a policy of this Board that we do not take debate on first reading because we can't take a vote anyway, and I think if we could come to an agreement today that we would have it for first reading on the 25<sup>th</sup>, but no discussion, that way all these folks don't have to take off from work being here, but they need to understand that we're not going to –, we need to be faithful to them, not that –, that we're not going to discuss, that all discussion would occur at the second reading, which would be the first meeting in November, the 8<sup>th</sup> of November. Is that correct? Commissioner Thomas said, the 8<sup>th</sup>. Chairman Hair said, and that way it would benefit all the folks out here, the attorneys, that, you know, I'm sure are racking up billable hours here. You know, I think it's just fair that we don't –, that we agree that we would not discuss it on first reading on the 25<sup>th</sup>, and that any debate that would be –, take place would take place on the 8<sup>th</sup> of November. Does everybody understand that? Commissioner Murray said, well, that's just the way we've always had all of it. I wouldn't assume that we would do this one any different. If we do, then we need to open it up for all –. Chairman Hair said, well, I mainly wanted to say that, Commissioner Murray, for the benefit of the audience so that there really would be no need for them to be here on the 25<sup>th</sup> because no action would be taken, no debate would be taken, we would not recognize anyone for debate on the 25<sup>th</sup>. All of that would take place on the 8<sup>th</sup> when the final vote would be taken. Commissioner Murray said, that's correct and the –. Chairman Hair asked, Commissioner Rayno, do you agree with that? Commissioner Murray said, and so they understand, the Commissioners among ourselves can discuss it on first reading, but –. Chairman Hair said, well, I would hope we wouldn't do that either though, Commissioner Murray, because I don't think it's fair to them for us to discuss it on the 25<sup>th</sup> and they not be here to rebut it. I just –, I would hope that –. Commissioner Murray said, well, we've always done that. Chairman Hair said, well, we've only done it on a very few occasions where we –, it's been allowed, but I would hope that in this, because of the contentious nature of this issue, that we would agree not to do that on the 25<sup>th</sup>. Commissioner McMasters said, I can agree to that. Chairman Hair said, okay, so that way –. Commissioner Murray said, it's fine with me, but it might be the point on the first reading we decide we don't want to do it. Chairman Hair said, well, at that point a motion could be made not to do it, I guess. Commissioner Murray said, okay. Chairman Hair said, I think that would be appropriate.

Commissioner Kicklighter asked, is there a possibility the land use plan will be finished by the first reading? Commissioner Murray said, not by then because they have the public hearing at Bethesda on the 21<sup>st</sup>. Our next meeting is, what, 24<sup>th</sup>, 25<sup>th</sup>? Chairman Hair said, the 25<sup>th</sup>. Commissioner Murray said, but I would think that it's going to be pretty close to the meeting after that.

Chairman Hair said, I want to thank everybody for coming and all those of you that participated in the public hearing, we appreciate your input and we will move forward under the guidelines that we've talked about.

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

A public hearing was held regarding a 90-day moratorium for the County to review and adopt the Southeast Chatham Land Use Plan. Also, the County Attorney was directed to bring back the issue of a moratorium for first and second reading and that single-family residential lots approved and recorded in residential subdivisions will be excluded from the moratorium. The County Attorney was further instructed that the moratorium would be for a period of 90 days for completion of the Southeast Chatham Land Use Plan and would not be extended beyond 90 days, and if the plan is approved within that 90-day period, the moratorium would cease as of the date of the approval of the Southeast Chatham Land Use Plan. The Board further agreed that no discussion would be had on first reading and that discussion will be held at the second reading when a vote may be taken by the Board.

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**3. STATUS OF INFORMATION ON ZONING HISTORY.**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, prepared at your request –, at your last meeting Mr. Newton and others, Mr. Anderson, have done an acceptable job in a short period of time to attempt to address the challenge of how many parcels might have been affected as a result of the vintage 1987 zoning provision. We have this in front of you –.

Chairman Hair said, Mr. Abolt I'm going to declare a two-minute recess here until the room clears so everybody can –, everybody can hear.

[NOTE: A brief recess was taken while members of the audience were leaving the room.]

Chairman Hair said, okay, Mr. Abolt, you can continue.

County Manager Abolt said, thank you, sir. Anyway, this was prepared at your request and was done in an attempt to identify, at best staff can, with limited information what parcels might yet be affected. Going back a number of years, Ill let Mr. Newton and others respond. It was done in a semi-scientific way, given information that is both recorded electronically and otherwise. But essentially they have identified 645 parcels that would have to be examined in some detail by County staff as to the current status. Mr. Anderson tells me it will take a minimum of 30 and probably a maximum of 45 days to do that.

Chairman Hair said, this deals with the two-year issue, the sort of a sunset clause in there. Does any Commissioner have questions on the data that was presented in your packet? Anyone? It was just presented as information this time, so we're not going to take any more –.

**ACTION OF THE BOARD:**

Received as information.

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**4. GREENSPACE PROGRAM ISSUES.**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, yes, sir. Thank you, Mr. Chairman. This is something that has urgency. Most of you will remember, in fact, all of you possibly with the exception of Commissioner McMasters will remember that the County was one of the first communities statewide that was able to take advantage of Governor's Greenspace Program. It was used initially for property on the Whitmarsh Island referred to initially as the Demere property. We have a communication now that obviously the State wishes to continue with funding, but we have a local match situation that requires us to advise that it would be very prudent to include greenspace funding in the SPLOST re-enaction, should that be your choice. This current entitlement, which runs up until the end of September next year, had \$9,000,000 in it. Your instructions to me were very specific. You wanted to include roads, bridges, drainage, a few parks and a facility for the Sheriff, but at this point MPC staff is saying please don't forget greenspace.

Chairman Hair said, I think primarily –, Commissioner Rayno, do you have any comments about including –? I think you also that we –. Commissioner Kicklighter said, build up the vehicles. Chairman Hair said, it be roads and drainage originally and then the two parks were added. I'm thinking what the staff is saying is, and MPC is saying, is that, you know, we're not at the point of doing a list yet, but I think you want a general conceptual idea that greenspace would also be –, could also be included in the SPLOST. Would y'all accept that or y'all want to reject that?

Commissioner Murray said, I'm not going to reject it. I think that we need to come back and address what we did at the last meeting –, not the last meeting –, when we addressed –. Commissioner Kicklighter said, that's fine. Commissioner Murray said, – SPLOST to begin with.

Chairman Hair asked, Commissioner Rayno, will you accept that that we'll include that, add it for consideration? We're not saying –, you're not going to approve a particular plot of land today, but just that it would be considered.

Commissioner Rayno said, I think the whole problem is that, you know, everybody wants to get the carrot of that federal or state money and they don't want to turn it away, yet at the same time they also argue about somebody else's pork in another state. Well, our greenspace is another person's pork in another place. I just think sometimes you've got to draw the line. We

did that walkway over there on Hutchinson Island which was –, we didn't want to lose the federal money on that project when we could have taken those funds, those SPLOST funds and fixed things in Chatham County: the Charlie Brooks Park that you were concerned about, we could have fixed the boat ramps that you were concerned about. We could have fixed many projects, but we don't want to –, we always jump for that carrot because it's there. You know, it's okay to turn away money some times when you can take the money that you have and do the things that need to be done rather than to fund brand new projects which we'll have to maintain when we don't have the money in the budget to do that. It saves greenspace, but you still need to have County personnel go there and take care of it. We don't take care of what we have now, what makes you think we're going to take care of any new projects we add on?

Chairman Hair said, thank you, Commissioner Rayno. I think the consensus is on the Commission that we do want to add it. County Manager Abolt said, sure. Chairman Hair said, except Commissioner Rayno, he's opposed to it. We need to recognize that. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, and just another thing too. If I'm not mistaken, Russ [Abolt], when we did receive the State money –, I think we were one of the first Counties to receive some of it for that property –, there was an agreement with all the municipalities also that the next referendum the greenspace money would be on there and on that they would then be allowed to do some of these projects because they allowed us to take the funding to do this one project. County Manager Abolt said, correct, sir. Commissioner Murray said, and while I respect what Commissioner Rayno was saying, at the same time we've got the Demere tract just sitting there that we really aren't doing anything with, so it's not taking a lot of maintenance to maintain it right now, and I –, that to me is the whole process behind the greenspace. So I think we have to have greenspace built in in a referendum when we do one.

Chairman Hair said, thank you. Thank you very much. I appreciate it.

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

It was the consensus of the Board, with the exception of Commissioner Rayno, that greenspace programs be included for consideration in the next SPLOST referendum.

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## **X. ACTION CALENDAR**

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

Chairman Hair asked, does anybody want to pull anything off the Action Calendar? Commissioner Murray said, I think so, just a minute. Commissioner Rayno asked, has J already been pulled? Chairman Hair said, J, no that has not. Okay, anything else? Commissioner Rayno said, no, wait, I meant R. Has R already been pulled? County Manager Abolt said, we want R off the agenda. It's pulled. Chairman Hair said, yes, that's been pulled because it's not ready. Commissioner Murray said, I have L. Commissioner Odell said, 4. Chairman Hair said, wait a minute. Let's take it in order please. Commissioner Rayno said, N, please. Chairman Hair asked, Commissioner Rayno, which one? Commissioner Rayno said, N. Chairman Hair said, N. Okay. My hearing's not what it used to be. Commissioner Odell said, number 4. Chairman Hair said, I'm a pilot. Y'all need to –, that's not the way we talk. We say November. Commissioner Thomas said, 4. Chairman Hair said, 4, Dr. Thomas. Commissioner Thomas said, no, that was Odell. Commissioner Rayno said, also, F, G and H and I. Chairman Hair said, F, G, H and I. Commissioner Odell asked, Jeff [Rayno], are you sure you've got enough? Chairman Hair asked, do you want to pull anything else? Commissioner Rayno said, no, that will do it.

Chairman Hair said, okay, I'll entertain a motion to approve the balance of the Action Calendar. Commissioner Murray said, so moved. Commissioner Thomas said, move for approval. Commissioner Murray said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. Unanimously. [NOTE: Commissioners Rivers and Gellatly were not present.] Chairman Hair said, thank you, the motion passes.

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

Commissioner Thomas moved to approve the Action Calendar in its entirety with the exception of Items 4, 7-F, 7-G, 7-H, 7-I, 7-L, 7-N and 7-R. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Gellatly were not present.]

(NOTE: ACTION OF THE BOARD IS SHOWN ON EACH AND EVERY ITEM AS THOUGH AN INDIVIDUAL MOTION WAS MADE THEREON.)

### **1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF SEPTEMBER 27, 2002, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the minutes for the regular meeting of September 27, 2002, as mailed. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Gellatly were not present.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD SEPTEMBER 18 THROUGH OCTOBER 1, 2002.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to authorize the Finance Director to pay the claims against the County for the period September 18, 2002, through October 1, 2002, in the amount of \$4,084,400. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Gellatly were not present.]

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**3. REQUEST BOARD APPROVAL FOR THE ADDITION OF TIDEWATER ROAD TO THE EXISTING PAXTON HEIGHTS STREETLIGHT DISTRICT.  
[DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the request for the addition of Tidewater Road to the existing Paxton Heights Streetlight District. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Gellatly were not present.]

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**4. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR POURING FOR 2002. PETITIONER: RICHARD W. AKAM, D/B/A HOOTERS OF SAVANNAH, INC., LOCATED AT 4 GATEWAY BOULEVARD.  
[DISTRICT 7.]**

Chairman Hair recognized Commissioner Thomas. Commissioner Thomas said, no, Commissioner Odell.

Commissioner Odell said, I move for approval. I just wanted you to say Hooters. Chairman Hair asked, do we have a second. Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners McMasters, Murray, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Rivers and Gellatly were not present.] Chairman Hair said, you have to have a little sense of humor up here.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the petition of Richard W. Akam, d/b/a Hooters of Savannah, Inc., located at 4 Gateway Boulevard, for renewal of Sunday sales of beer, wine and liquor pouring for 2002. Commissioner Murray seconded the motion. Chairman Hair and Commissioners McMasters, Murray, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Rivers and Gellatly were not present.]

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**5. REQUEST BOARD APPROVAL TO ADD A BUILDING MAINTENANCE MECHANIC POSITION IN MAINTENANCE AND OPERATIONS DIVISION FOR CIVIL RIGHTS MUSEUM AND LEASED COUNTY FACILITIES (FUNDING REIMBURSED 100%).**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the request to add a building maintenance mechanic position in Maintenance and Operations Division for assignment to and reimbursed by the Civil Rights Museum and Health Department/Gateway (leased properties) funding for purposes of preventive maintenance and basic repairs of mechanical, electrical and plumbing systems. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Gellatly were not present.]

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**6. REQUEST BOARD APPROVE QUITCLAIM DEED.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to authorize the Chairman to execute a quitclaim to satisfy the indebtedness to Chatham County for the following listed property: Geneva L. Dukes, Inc. & Tr., PIN 032-61-02 N/K/A 20032-61002, in the amount of \$357.69. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Gellatly were not present.]

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Contract to pave Ridgewood Avenue, Billings Road, Central Avenue and Leghorn Street, to construct improvements on Fallowfield Drive	SPLOST	Sandhill ALS Construction (MBE)	\$451,904	SPLOST (1985-1993) - Ridgewood Avenue, Billings Road, Central Avenue, Leghorn Street account, the Fallowfield account and the Reserve for Various County Roads account (pending transfer)
B. Contract for two intersection improvements on Whitemarsh Island	SPLOST	APAC-Georgia	\$124,203.25	SPLOST (1985-1993) - US 80/Johnny Mercer
C. Deductive Change Order No. 1 to the contract for the University Drive relocation, Phase I Project (Armstrong Atlantic State University) for changes to the storm drain, sanitary sewer and water distribution systems	Engineering	Triangle Construction Company	(\$5,901.75)	•GDOT •Armstrong Atlantic State University (100% reimbursable)
D. Change Order No. 2 to the contract to pave Colt Road for additional drainage work	SPLOST	Balance Civil Construction Company	\$3,260.44	SPLOST (1985-1993) - Ridge Road, Redgate Farms, Colt Road and Marshall Avenue
E. Annual maintenance for the County portion of the 800 MHz communication system	ICS	Motorola Communications (sole source)	\$158,119.20	General Fund/M&O - Communications
F. One 15 passenger window van	Juvenile Court	J. C. Lewis Ford	\$20,993.51	General Fund/M&O - Juvenile Court (Supervision Fees)
G. One long bed pickup truck	Water and Sewer	J. C. Lewis Ford	\$13,576.40	Water and Sewer
H. One 4x4 long bed pickup truck	Solid Waste Management	Dan Vaden Chevrolet	\$17,732	Solid Waste Management Fund
I. One full size extended cab and chassis	Water and Sewer	J. C. Lewis Ford	\$18,446.97	Water and Sewer
J. Second and final renewal option to the annual contract to provide short-term crisis counseling for children and families as referred by Juvenile Court	Juvenile Court	Family Reconstruction - SOAP	\$50 per hour	Children Youth Coordinating Council Grant
K. Final renewal option to the annual contract to provide an employee assistance program for the employees and their dependent families	Human Resources	LifeStyle Management Resources, Inc.	\$9.41 per employee per year	General Fund/M&O - Human Resources
L. Third and final renewal option to the annual contract to provide operation of the Whitemarsh Island Community Center	Parks and Recreation	SJC Health Services	\$75,711	General Fund/M&O - Parks and Recreation (Whitemarsh Community Center)
M. Compactor refuse truck	Solid Waste Management	Freightliner of Savannah	\$86,796	Solid Waste Management Fund

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
N. Change Order No. 4 to the contract for the Savannah-Ogeechee Canal corridor master plan to provide design and route survey to handle the wastewater from Tom Triplett Park to the Savannah Port Authority sanitary sewer located on Coleman Blvd.	SPLOST	Hinesley-Hickson Association (WBE)	\$25,300	SPLOST (1993-1998) - Tom Triplett Park
O. Change Order No. 3 to the contract for the engineering of the Riverwalk Extension for archeological work	SPLOST	Hussey, Gay, Bell & DeYoung	\$45,620	SPLOST (1998-2003) - Riverwalk Extension
P. First renewal option to the annual contract to provide operation and management of the Aquatic Center and to increase the hourly rate	Aquatic Center	Champion Corporation	\$94.09 per hour	General Fund/M&O - Aquatic Center
Q. Confirmation of emergency repairs to three (3) bridges condemned by GDOT	Bridges	The Industrial Company	\$116,938	SSD - Contingency Transfer (pending Board approval)
R. Energy management performance contract	Facilities Maintenance and Operations	Johnson Controls	N/A	No funding required

**As to Items 7-A through 7-Q, except Items 7-F, 7-G, 7-H, 7-I and 7-N:**

Commissioner Thomas moved to approve Items 7-A through 7-Q, except 7-F, 7-G, 7-H, 7-I, 7-L and 7-N. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Gellatly were not present.]

**As to Item 7-F:**

**One 15-passenger window van; Juvenile Court; J. C. Lewis Ford; \$20,993.51; General Fund/M&O - Juvenile Court (Supervision Fees).**

Chairman Hair asked, Commissioner Rayno, would you agree to take all four of those at one time or do you want to do them separately? Commissioner Rayno said, please. Chairman Hair asked, what? Separately or –. Commissioner Rayno said, no, all four at one time. Chairman Hair read Items F, G, H and I into the record. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, let me make an approval for F, please. Chairman Hair asked, approval for F? Commissioner Rayno said, yes. Chairman Hair said, all right, we have a motion to approve F. Commissioner Murray said, second. Commissioner Thomas said, second. Chairman Hair said, all right, we have a motion to approve F and a second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Gellatly were not present.] Chairman Hair said, the motion passes. We're going to take them one at a time, but okay. Now G, H and I. Commissioner Rayno said, I made a mistake. I'm sorry. Chairman Hair said, no problem.

**As to Item 7-G, 7-H and 7-I:**

**G. One long bed pickup truck; Water and Sewer; J. C. Lewis Ford; \$13,5767.40; Water and Sewer.**

**H. One 4x4 long bed pickup truck; Solid Waste; Dan Vaden Chevrolet; \$17,732; Solid Waste Management.**

**I. One full size extended cab and chassis; Water and Sewer; J. C. Lewis Ford; \$18,446.97; Water and Sewer.**

Commissioner Rayno said, Water and Sewer. Why is one truck a 150 and the second's a 250? What's the difference between them? You go from a half ton to a three-quarter. I mean, why do you need to have the 250 as opposed to a 150? Mr. Robert Drewry said, the 250 is a crew truck. It's designed to handle the equipment and stuff we put on top of it plus to handle the additional people. Commissioner Rayno said, the equipment you put on top of it. What, you've got a trailer –? Mr. Drewry said, and pull a trailer for that matter, too. For example, a walk-behind saw or something like that, to be able to haul around all that heavy equipment. Commissioner Rayno asked, it's like 5,000 pounds you're pulling? Mr. Drewry said, I wouldn't know how to guess that. Commissioner Rayno said, okay. All right, that makes sense.

Chairman Hair asked, anybody want to –? Okay, I need a motion to approve. Commissioner Rayno said, motion for approval. Commissioner Thomas said, second. Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.]

**As to Item 7-L:**

**Third and final renewal option to the annual contract to provide operation of the Whitemarsh Island Community Center; Parks and Recreation; SJC Health Services; \$75,711; General Fund/M&O - Parks and Recreation (Whitemarsh Community Center).**

Chairman Hair said, I believe that's St. Joseph's. County Manager Abolt said, that's correct. Commissioner Murray said, it is St. Joseph's, yes. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, my question on that is I have gotten some feedback on what's going on there, and I guess the biggest complaint I've had, and I think that's probably part of the County's scheduling versus their scheduling, and that is making sure someone is there ahead of time to unlock the facility for meetings and they're there to lock it up, and we have had instances where that didn't happen. Now I'm not saying it's St. Joseph's or I'm not saying it was the County, but we need to better coordinate that whoever is doing it. The other thing that I would like to request that the people that utilize this center, and I explained to them and I think this falls under the contract, does it? They're the ones that furnish the equipment out there? Mr. Michael Kaigler said, yes, sir. Commissioner Murray said, the computer and the TV. If they could furnish a big screen TV rather than the small one because they can't see the small one when they're doing the programs, and the reason for that is most of them are older people, like myself and some of the rest of us, but that's just a request. This is the last automatic renewal, is that correct? County Manager Abolt said, yes, at the same price. Commissioner Murray said, then the next time we will put out an RFP? County Manager Abolt said, yes, sir.

Commissioner Murray said, okay, I move for approval. Commissioner Kicklighter said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.]

Chairman Hair said, Commissioner Murray, you might be interested to know that when I go to the [inaudible] ATM's, when I go to the ones in town I can barely read them, but when I go to the one at The Landings though, they've got this big large print out there that I can read with no problem. I was just wondering, you know, Mr. Nutting and I think they're discriminating against us out at The Landings because they use the large print out there and they don't use it anywhere else. I think they're making an assumption that we need it, which in fact some of us do.

**As to Item 7-N:**

**Change Order No. 4 to the contract for the Savannah-Ogeechee Canal corridor master plan to provide design and route survey to handle the wastewater from Tom Triplett Park to the Savannah Port Authority sanitary sewer located on Coleman Blvd.; SPLOST; Hinesley-Hickson Association (WBE); \$25,300; SPLOST (1993-1998) - Tom Triplett Park.**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, consistent with my past actions, I ask for recusal on this particular project and vote due to my relationship with the Ogeechee Canal Society.

Chairman Hair said, I'll entertain a motion to recused Commissioner Rayno. Commissioner Murray said, so moved. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rayno did not vote on being recused; Commissioner Gellatly was not present.]

Chairman Hair said, now I'll entertain a motion to approve. Commissioner Murray said, move for approval. Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rayno was recused from voting; Commissioner Gellatly was not present.] Chairman Hair said, okay, thank you.

**ACTION OF THE BOARD:**

1. Commissioner Thomas moved to approve Items 7-A through 7-Q, except 7-F, 7-G, 7-H, 7-I, 7-L and 7-N. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Gellatly were not present.]
2. Commissioner Rayno moved to approve Item 7-F. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Gellatly were not present.]
3. Commissioner Rayno moved to approve Item 7-G, 7-H and 7-I. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]
4. Commissioner Murray moved to approve Item 7-L. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]
5. Commissioner Murray moved to recuse Commissioner Rayno from voting on Item 7-N due to his relationship with the Ogeechee Canal Society. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Rayno did not vote on being recused; Commissioner Gellatly was not present.]
6. Commissioner Murray moved to approve Item 7-N. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Rayno was recused from voting; Commissioner Gellatly was not present.]

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**XI. FIRST READINGS**

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting.  
On first reading, presentation by MPC staff and discussion only by Commissioners will be heard.  
Comments, discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken on one of the following listed items.

None.

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**XII. SECOND READINGS**

None.

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**XIII. INFORMATION ITEMS**

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

Written report received as information.

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- 2. **LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED). NONE FOR THIS MEETING.**

Written report received as information.

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**EXECUTIVE SESSION**

Upon motion made by Commissioner Rivers, seconded by Commissioner Thomas and unanimously approved, the Board recessed at 12:30 p.m., to go into Executive Session for the purpose of discussing litigation, land acquisition and personnel.

Following adjournment of Executive Session, the Board reconvened as the County Commission at 2:08 p.m.

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**ITEMS FROM EXECUTIVE SESSION**

- 1. **DISCUSS CLAIM OF MR. AND MRS. TONY HALL, 7201 ALBERT STREET (COMMISSIONER MCMASTERS).**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to authorize settlement of the claim of Mr. and Mrs. Tony Hall in the amount of \$3,000. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

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**2. DISCUSS COUNTY’S CLAIM AGAINST CITY OF SAVANNAH FOR DAMAGE TO COUNTY VEHICLE (JON HART).**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to accept the offer of settlement from the City of Savannah in the amount of \$2,986.95 for damage to a County vehicle as a result of an incident which occurred on July 24, 2002, at the intersection of White Bluff Road and Paradise Drive. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

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

**ACTION OF THE BOARD:**

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

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**APPOINTMENTS**

- 1. SAVANNAH ECONOMIC DEVELOPMENT AUTHORITY**
- BOARD OF ADJUSTMENTS AND APPEALS**
- ECONOMIC OPPORTUNITY AUTHORITY]**
- HISTORIC PRESERVATION ADVISORY COUNCIL**
- SOUTHEAST COASTAL REGIONAL MENTAL HEALTH/MENTAL RETARDATION/SUBSTANCE**
- ABUSE BOARD**
- METROPOLITAN PLANNING COMMISSION**
- CUTS CITIZENS ADVISORY COMMITTEE**

**ACTION OF THE BOARD:**

Upon motion made by Commissioner Thomas and seconded by Commissioner Rivers, the Board unanimously approved the following appointments and/or reappointments: Savannah Economic Development Authority - Reappoint Judy Nease to a term to expire January 7, 2008; Board of Adjustments and Appeals - Reappoint Misty Bethune as the Home Builder to a term to expire November 28, 2006, and appoint Flo Roberts-Osteen as the Member from the General Public to a term to expire November 28, 2006; Economic Opportunity Authority - Reappoint Commissioner Priscilla Thomas to a term to expire December 31, 2007; Historic Preservation Advisory Council - Appoint Ellen I. Harris to a term to expire June 30, 2005; Southeast Coastal Regional Mental Health/Mental Retardation/Substance Abuse Board - Reappoint Don Smart to a term to expire July 31, 2005; Metropolitan Planning Commission - Reappoint Timothy Mackey to a term to expire December 31, 2005; and CUTS Citizens Advisory Committee - Appoint Mark C. McDonald (District Three) to a term to expire June 30, 2004. [NOTE: Commissioner Gellatly was not present.]

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**ADJOURNMENT**

There being no further business to come before the Board, Chairman Hair declared the meeting adjourned at 2:38 p.m.

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**DR. BILLY B. HAIR, CHAIRMAN, BOARD OF**

**COMMISSIONERS OF CHATHAM COUNTY, GEORGIA**

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**SYBIL E. TILLMAN, COUNTY CLERK**