

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, NOVEMBER 8, 2002, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.

I. CALL TO ORDER

Chairman Billy Hair called the meeting to order at 9:00 a.m., Friday, November 8, 2002.

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II. INVOCATION

Mr. Van Johnson gave the invocation.

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III. PLEDGE OF ALLEGIANCE

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

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IV. ROLL CALL

The Clerk called the roll.

PRESENT: Dr. Billy B. Hair, Chairman
Jeffrey D. Rayno, District One
Joe Murray Rivers, District Two
John J. McMasters, District Three
Harris Odell, Jr., District Five
David M. Gellatly, District Six
B. Dean Kicklighter, District Seven

ABSENT: Dr. Priscilla D. Thomas, Vice Chairman, District Eight
Frank G. Murray, Chairman Pro Tem, District Four

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

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YOUTH COMMISSIONERS

Chairman Hair said, welcomed the following Youth Commissioners who were in attendance: Claritza Cruz, a Sophomore at Windsor Forest High School; Niavona Daniels, a Senior at Beach High School, representing Upward Bound; and Leah DiNatale, a Junior at Savannah Christian.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. PROCLAMATION FOR ADOPTION AWARENESS MONTH - CARMELITA MAYNARD WILL ACCEPT.

Chairman Hair read the following proclamation into the record:

WHEREAS, the month of November 2002, has been proclaimed National Adoption Awareness month to call attention to children needing permanent homes. This special focus coincides with the Thanksgiving season, an appropriate time to highlight family building through adoption; and

WHEREAS, on Sunday, November 17, 2002, the Chatham County Department of Family and Children Services and the Interdenominational Ministerial Alliance will celebrate 21 Years of the One Church One Child Adoption Program at Second Arnold Baptist Church; and

WHEREAS, all children need the love, support and stability of a family. In Chatham County and the City of Savannah, 250 children are living in substitute care, away from their families of birth; and

WHEREAS, nearly all of these children have special needs because of physical, mental or emotional disability; being placed in a sibling group placement; are of minority race, or because they are older; and

WHEREAS, it has been proven that there are indeed families able and willing to adopt children with special needs. Within the last year, 52 children with special needs were placed with adoptive families in Chatham County; and

WHEREAS, across the country during November, adoptive parent organizations and agencies will be hosting informational meetings for the public, speaking at schools and churches, running special newspaper, television and radio features, and trying to make the children's needs for permanency and continuity more widely known; and

WHEREAS, they call upon the concerted public effort of all citizens, government and private agencies, to assist in providing a brighter future for these children.

NOW, THEREFORE, I, Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim the month of November, 2002, as:

"ADOPTION AWARENESS MONTH"

in Chatham County and call upon citizens to volunteer their talents and energies to support the vital role of adoptive parents in enabling these children to develop into mature, responsible, productive adults.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this, the 8th day of November, 2002.

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Ms. Carmelita Maynard said, good morning. I'd like to thank you all for the support you have given us and invite you this evening to one of our activities. We're having a Gospelfest tonight. This is our second annual Gospelfest. It will be held at 7:00 p.m., at the First Tabernacle Missionary Baptist Church, 310 Alice Street, where The Rev. Clarence Williams in the pastor, and we will also have a prayer vigil next Thursday evening at 7:00 p.m., at Grace United Methodist Church. So we would like to invite all of you to be a part of our celebration. Thank you.

Chairman Hair said, thank you very much. We appreciate y'all being with us. Appreciate the work y'all do. Ms. Maynard said, and our service also will be on November 17th at 11:45 a.m., at Second Arnold Baptist Church. Thank you. Chairman Hair said, thank you very much. Thanks.

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2. PRESENTATION BY DANNY DELOACH OF STATE INDIGENT DEFENSE GRANT.

Chairman Hair said, Mr. DeLoach, welcome.

Mr. Danny DeLoach said, good morning. I wish I was up here to tell you I found \$11,000,000 in the State budget, but -. Chairman Hair asked, you didn't bring us a check? You normally bring a check when you come. Mr. DeLoach said, Russ [Abolt] made me deposit it. County Manager Abolt said, it's been deposited a long time. Mr. DeLoach said, but I would like to announce on behalf of the Superior Court Judges that we did deposit \$114,224 in the County General Fund to offset the cost of indigent defense. While I'm up here also I can make the announcement that we've -, for the Chatham County Drug Court, that we have received grants of \$44,000 from the Council of Superior Court Judges and \$170,000 from the Department of Human Resources. Another announcement that's going to be coming out soon, Chatham County/Savannah has been chosen for one of two cities in Georgia for a grant from the Department of Transportation for -, to start a DUI Court and that will be starting up some time in this -, early Winter, and I want to thank the City of Savannah. We've been sharing facilities with the Savannah Impact Program at no cost for the last year, so I just want to express that them, too. Thank you, sir.

Chairman Hair said, thank you, Danny [DeLoach]. We appreciate you being here.

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VETERAN OF THE YEAR

Chairman Hair said, I'd like to introduce Mr. Ken Seymour, who's Vice Chairman of the Veteran's Council. He's going to introduce our Veteran of the Year, Mr. George Foley and Veteran's Day Parade Marshal Mr. Conner. Good morning.

Mr. Seymour said, good morning. I'm Ken Seymour, the Vice Chairman of the Veteran's Council of Chatham County. Our Chairman of the Commission [sic] is Harry Deal. Harry [Deal] sends his regrets for not being here this morning. He was called at the last minute to substitute teach at B.C. I'm appearing before the Commissioners for two reasons. First, the Veteran's Council, which represents all veterans of Chatham County, would like to take this opportunity to thank you for your support for our veterans. Second, to present to you the Veteran of the Year and Parade Marshal. The Veteran of the Year is a special person. He's a person who has demonstrated a willingness to sacrifice time and energy on behalf of veterans. The Veteran of the Year is an upright citizen who has worked for the benefit of other veterans. Overall this person deserves the title of Veterans of the Year. This is the highest honor a veteran in Chatham County can receive. Our Veteran of the Year is George Foley.

Mr. Seymour said, to be named the Parade Marshal and leads the Veterans Day Parade is a special honor that goes to a special person. This person has also demonstrated a willingness to sacrifice time and energy on behalf of our veterans. The Veterans Day Parade Marshal, Joe Conners. Joe [Conners] is also a past Chairman of the Veterans Council and presently is the Council's Treasurer. We would like to thank you on behalf of all veterans for your continued support. Thank you, sir.

Chairman Hair said, thank you, Mr. Seymour. I have some medallions we'd like to give the Veteran of the Year and the Parade Marshal. Congratulations. Please accept this on behalf of Chatham County. We appreciate y'all being here.

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VI. CHAIRMAN'S ITEMS

Chairman Hair said, you have in front of you a memo from Mr. McAlister, our Lobbyist, setting the date for the meeting with the delegation on Monday, the 25th, at Noon here in the Chambers. Primarily for the benefit of the public, we will -, of course, this is open to the public, as everything else is -, we'll be meeting with our delegation and giving them our wish list. Any questions on that? Mr. McAlister -? He was here earlier, is he still here? Okay. Commissioner McMasters said, Mr. McAlister is here. Chairman Hair said, oh. I just wanted to make -, were there any -, we announced the meeting on the 25th. Is there anything you need to tell us or anything? Mr. McAlister said, no. Chairman Hair said, okay. Thank you.

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ORDER OF BUSINESS

Without objection and at the request of Commissioner Kicklighter, Item VII-2 was taken out of order and was heard at this point on the agenda.

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VII. COMMISSIONERS' ITEMS

1. EMPLOYEE'S HEALTH INSURANCE (COMMISSIONER ODELL).

Chairman Hair recognized Commissioner Odell.

Commissioner Odell asked, do we have the representatives from Blue Cross/Blue Shield? Chairman Hair said, yes. Mr. Frank Hardeman said, yes, sir. Good morning. Commissioner Odell said, good morning. Before you start your presentation, there's some questions that I have and last week because of scheduling problems and the death of a close relative, I realize that the two of you could not be here. My question is that looking back on when we made this decision on May 31st, 2000 [sic], Frank Murray asked the question whether or not things would remain the same as far as Candler/St. Joe's? Do you recall that question being asked? Mr. Hardeman said, repeat it please, sir. Commissioner Odell said, he asked whether or not the health plan would remain the same as far as Candler, Candler Hospital and St. Joseph's Hospital. Do you recall that question? Mr. Hardeman said, yes, sir. Commissioner Odell said, okay. Mr. Hardeman said, the health plan itself. Commissioner Odell said, yeah, and if you don't, then it's found on page eight, the ninth line, and you responded to the question, Mr. Hardeman. Okay? Mr. Hardeman said, yes, sir. Commissioner Odell said, my question is if at that point whether or not you knew that Candler/St. Joe's had given you a letter of termination so when you told us that it would remain the same, at that precise moment you had information from Candler/St. Joe's or St. Joe's/Candler, whichever? Mr. Hardeman said, no, sir. Frank Hardeman did not. When I came here, I came here in good faith. So did Mr. Mahoney. Commissioner Odell said, yeah, I understand. Mr. Hardeman said, at the time -, let me finish please, sir. First of all, I want to thank each of you for giving Mr. Mahoney and myself the week as we requested due to the fact that I was out of town and Mr. Mahoney had a death in the family. We do appreciate that and I did want to get that out of the way first. But when I came here and presented our proposal to the Board of Commissioners, Candler and St. Joseph's Hospital were in the network. Everybody told us that. We did not come here under false pretense. Now, Mr. Odell, I have received your questions. I also got a copy of the tape of the last Commission meeting. Mr. Mahoney and I have formulated our answers to each of your questions, and we have those this morning to go each question at -, one at a time if that's what you choose, or we can distribute them to the committee [sic] members, if that's what you choose. Commissioner Odell said, yeah -. Mr. Hardeman said, let me -, please just let me finish and then I'll be here as long as you need me to. I don't have nowhere to go but to answer your questions. However -. Commissioner Odell said, I want you to finish your question -, responding to the question because I don't want to go there at this point. So if that's where you're going, I don't want you to finish going there. Mr. Hardeman said, I have some news, I think, that the County Commission would like to hear, but to just reiterate, you know, at the time that I came here there was a contract, according to everything that Mr. Mahoney and I knew. We had no reason to believe that there was not a contract between Candler and St. Joseph's Hospital and Blue Cross/Blue Shield. However, this morning when I was at an open enrollment meeting at Lake Mayer with your employees at eight o'clock this morning, I received a phone call from a consultant that we deal with who was in conversation with Atlanta, and I'll read to you what he read to me this morning. Now, it says "that Blue Cross/Blue Shield and Candler/St. Joseph's Hospitals have an agreement in principle for the hospital to remain in the PPO network. They have agreed to hospital reimbursement rates. They are working on a couple of language issues for the final agreement to be completed and signed." I think that's very encouraging news and it's outstanding news. Mr. Mahoney and I came to y'all in good faith. We came to you with a proposal that we felt like would save Chatham County money and give you equal, if not better, benefits. We have also begun looking at the first quarter reports and it appears that the savings that we had projected will be greater than we had originally thought. Right now it is still a little early to put a definitive number of that, but it looks like a minimum of \$250,000 more than we thought and it could potentially be even higher. If the news that we received this morning from Atlanta holds true, and I have no reason to believe it won't because it comes from an extremely reliable source, then we will have committed to you, Mr. Odell -, you asked us to try to get Memorial in the network. I'd like to take sole credit for that, but I can't, but at least we opened the doors for that, and hopefully after this morning's announcement we have accomplished what this Commission asked us to do: give you better benefits, save you money and give you all three hospitals.

Commissioner Odell said, that's good, and my question had not to do with obviously the new information because I was not privy to that, my question had to do with whether or not when we entered into a contract, I'm not speaking of your knowledge because obviously there are others above you in Blue Cross/Blue Shield, whether or not St. Joe's/Candler had formally terminated their relationship with Blue Cross/Blue Shield at that point on May 31st, and I'm saying your answer is that you had no knowledge of it. Mr. Hardeman said, correct. Commissioner Odell said, okay. I have -. Mr. Hardeman said, when I came here to y'all, the hospitals in the network -, the hospitals are all currently in the network as we speak. If one of your employees has to go to the hospital today, they go to Candler or St. Joseph's Hospital. Commissioner Odell said, I have a letter -. Mr. Hardeman said, just as we promised, Mr. Odell. Commissioner Odell said, okay. And please understand that this is not adversary, but what it is is I have conflicting information. I have a letter here that we all received from St. Joe's/Candler, and I believe Mr. Hinchey came in.

Chairman Hair said, he was here earlier. Yes, he's still -. Commissioner Odell asked, is Paul [Hinchey] here? Chairman Hair said, yes, he's in the back. He's here. Commissioner Odell asked, Paul [Hinchey], could you come up please, if you would?

Commissioner Odell said, good morning, Paul [Hinchey]. Mr. Hinchey said, good morning, good morning. Commissioner Odell asked, has there been an agreement worked out with St. Joe's/Candler and Blue Cross/Blue Shield? Mr. Hinchey said, no. Commissioner Odell asked, sir? Mr. Hinchey said, no. Commissioner Odell said, no. When Blue Cross/Blue Shield entered into a contract with Chatham County, had St. Joe's/Candler notified Blue Cross/Blue Shield that they were -, had they sent a formal letter of termination? Mr. Hinchey said, yes. Commissioner Odell said, okay. Are the negotiations as far as Candler/St. Joe's with Blue Cross/Blue Shield still ongoing? Mr.

Hinchey said, yes. Commissioner Odell said, that's all the questions I have for Mr. Hinchey. I appreciate it. Mr. Hinchey asked, anyone else while I'm up here?

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers asked, can you corroborate on what he just said to us that there's some --, something that came down to him, privileged information, this morning. Mr. Hinchey said, I can't comment on that. I'll let Frank [Hardeman] --, I can just comment on the way I answered Commissioner Odell --. Commissioner Rivers asked, but you're the President --. Mr. Hinchey said, -- and St. Joseph's/Candler today does not have a contract with Blue Cross/Blue Shield to extend beyond December 1st. We are in discussions with them, there are multiple topics, hospital rates are one component, prompt payment is the second component, physician fees are a third component and probably two other minor ones. So all the issues dealing with those discussions have not been resolved. Commissioner Rivers asked, or any part of it? Mr. Hinchey said, no, none of it has been resolved. Commissioner Rivers said, none.

Commissioner Rayno asked, may I ask him a question, Mr. Chair. Chairman Hair said, Commissioner McMasters has a question first. Commissioner Rayno said, well, I'll yield. Commissioner Odell said, Mr. Chairman, I'm not finished. Chairman Hair asked, do you want to yield? Commissioner Odell said, if it's on point. Commissioner Rayno said, just one question. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, the employees within your organizations, are they covered by Blue Cross/Blue Shield currently? Mr. Hinchey said, correct, yes, they are. Commissioner McMasters asked, and are they aware of the impending termination? Mr. Hinchey said, yes, they are aware of it. Commissioner McMasters asked, and what --, what affect is that having within your organization, if any? Mr. Hinchey said, we've notified Blue Cross/Blue Shield that we have terminated the contract with them for our employees effective December 1st, and the 2,000 employees that are enrolled in that product are switching to United Health Care effective December 1. Commissioner McMasters said, thank you.

Chairman Hair recognized Commissioner Rayno. Commissioner Rayno said, my question was asked and answered, thank you. Chairman Hair recognized Commissioner Odell. Mr. Hinchey asked, anything else for me? Commissioner Odell said, no, Paul [Hinchey], thank you. Mr. Hinchey said, okay. Thank you. Chairman Hair said, thank you, Mr. Hinchey.

Commissioner Odell said, I read the minutes of the meeting from May 31st, 2002, and I realize that I didn't do a very good job asking questions and insisting that there was a direct answer to a direct question. You're going to have to bear along with me today because I get more calls from our employees about employee health than anything else. Other than the prostitution on Ogeechee, which has occasionally got in today. People stop me in the halls of the courthouse over here and they ask the question, and that is, my child is 3 years old, was going to X-doctor, prescribing a certain medication, Blue Cross says this medication is not on the list, and now I'm spending that money out of pocket, and I guess framing a question --, additional question --, my question is whether or not when we said, or you said, on May 31st that nothing would change, that also applied to medication. That is to say, if like this employee who had that child and that child was being treated and then covered and the medication was being treated [sic] and being covered, the same thing under Blue Cross/Blue Shield as far as you two gentlemen know. Is that true? Mr. Hardeman said, sure. Mr. John Mahoney said, Commissioner Odell, the intent was not to change the coverage except as we outlined. The formulary was different. We knew that coming in. You can't address somebody's health situation until you've talked to them and you've got to do it in private because of right to privacy and because of HIPPA regulations. Now, I certainly would discuss with any employee, and certainly our customer service would, you know, appropriate medication, and the doctors can appeal that on a clinical basis. Commissioner Odell said, okay. I would ask you to look at the minutes from May 31st, 2002. I call your reference to page seven. It is the twelfth line from the bottom, the question I just ask you was asked by Mr. Murray, and your answer was that the prescriptions would not change. I guess my question is, is that your answer today? Mr. Mahoney said, if prescriptions --, I'm not privy to the minutes at this point, but I don't believe --. Commissioner Odell said, I'll be happy to provide you a set. Mr. Mahoney said, okay, and that would be good. Commissioner Odell said, so your answer is as of now --, you understood the question, did you not? Mr. Mahoney said, I did understand the question, yes. Commissioner Odell said, but your response is that you do not know and will have to get back to me or to --? Mr. Mahoney said, I'd have to discuss it with the employee or the patient in order to address it because does the formulary as the appropriate medication and what are the circumstances. Commissioner Odell said, okay. Mr. Mahoney said, because it's very hard to discuss third-party when right to privacy is involved. Commissioner Odell said, oh, I agree, and I'm not asking you to identify as to a particular patient. I'm asking you to identify as to a particular circumstance. Two different things. Mr. Mahoney said, well, may I say this. One thing that we've requested, and we had received a list of the prior formulary that was used in the count. We have received that list. I've asked for it all in Excel spreadsheet, in Excel basis so we can compare our formulary to the County's prior formulary and put a hybrid together of the two. It's --.

Commissioner Odell asked, may I ask you a question in that regard? Mr. Mahoney said, sure. Certainly, certainly. Commissioner Odell said, in that you projected savings based upon past experience, I would presume that you already had that information. Otherwise, you could not have projected savings not knowing what the prescriptions were in the past. Is that a fair assumption? Mr. Mahoney said, we knew what prescriptions were in the past; we did not know what the formulary was at that point. Commissioner Odell said, the questions that were asked at the last meeting, if I could have --, I don't know if anyone else wants it or not --, your written response and that written response be made a part of this record. I'll forgo the --, I think everyone here can read as --. I'm looking at you and you look like you can read, so I don't want to go through that, but what I do want, if you are the authorized agent and you're asked a direct question, if you can give us an answer like the answer is yes. You can wander forever, but I need to know the answer, and reading back through the minutes on direct questions we didn't get direct answers. My concern is that St. Joe's/Candler treated the employees here at the County, and I was of the impression that you had a contract with St.

Joe's/Candler; that you did not, but someone in your organization had been notified that you did not, and that tends to make me question the others, and that is savings. I do not want the savings to be on the back of an employee, and my point is as follows: You got an administrative cost for handling the claims and paying payment of claims, and that was higher than the ones that you all replaced, and then you got 12 or so million dollars. You can make that savings whatever you choose it to be. You can make that savings \$2 million simply by denying \$2 million worth of claims [inaudible] and say, well, you have the right to appeal. Although you did it under the old plan, you know, you have a right to appeal. That to me is not what you all agreed to do. You agreed that you would negotiate a contract with St. Joe's/Candler, and based on that contract with everything remaining the same, that we would realize a savings of \$1.5 million. In that you don't have a contract with Candler/St. Joe's, I don't know how you can make that promise ring true. And let me just say this. Since Blue Cross/Blue Shield failed to pay for my health benefits when I was in college, I've been relatively healthy so I'm not asking this question based upon any personal —, but I am asking this question based upon we have a \$12.5 million expenditure that did not go out to bid. There were promises made and I want to ensure that those are promises that are kept. We know that there were would be changes, or we didn't believe that there would be changes like there are physicians in the new plan who are not included. Who are not included. I mean, great doctors who are not included in this plan. That gives me substantial concern, but I do not want the savings to be on the back of our employees, and if you say you saved, the only place you can save is what we pay to providers. Not whether or not you pay the provider for a covered service, but the amount that you pay. Therein is the difference, and you don't have that relationship with Candler/St. Joe, I don't know how you can make that ring true today with us. I yield.

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

Commissioner Kicklighter said, the young lady here was wanting to speak. Chairman Hair said, I'll get her. I'll get you next. Go ahead, Mr. Kicklighter. Let's stay in order. Commissioner Kicklighter said, I just want to express my concern to both of you about the prescriptions also. You know, I've had several phone calls on that and I was under the impression back then that all prescriptions covered would be covered in the future, and I understand the negotiations with Candler and St. Joe's and I feel optimistic that y'all will continue to be a part of that, and I hope you get that done soon. As far as the prescriptions, I would really like for y'all to somehow work where, you know, it's hard when we sit up here and took the phone calls and talked personally with our employees here and told them that they would still have the same coverage, if not better, same prescription benefits, and now, you know, I'm getting calls saying, hey, my husband's been on this medication that would cost \$130 for X-amount of time under the old plan, but now with the new coverage, you know, this has to come out of our pocket or we have to go to this other medication that he tried previously that did not work and, you know, that kind of —, that kind of makes me feel like a —, personally like I'm a liar because I told these people when we voted this through that their benefits wouldn't change except for, you know, the better and, you know, I —, that's one thing I pride myself on, and I know when [inaudible] that you're honest and did what, you know —, but what's changing from higher up than you is making us all look really bad, and worse than me looking bad or you looking bad or them looking bad is it's hurting people and, you know, the calls I'm getting, several are retired employees that they don't have that additional \$130 a month to put towards their prescriptions. So I really urge y'all —, I stated it in the past, you know, I will support the change, but if things didn't pan out, I'd support changing back, and we need to really get back and work on making this prescription thing exactly what we had before. Mr. Hardeman said, well, to answer you on that, we, John [Mahoney] and I, by all rights, I mean, we should be put up here to be held accountable to our promises and what to what we say, and that's what we're here to do today, and it's perfectly okay to put us on the firing line. That's what we get paid to do, but with all due respect to everyone that works with Chatham County and works in your staff —, and it's not your staff's problem. I'm not pointing the finger at anyone that works for Chatham County. There are certain drugs that weren't paid under your old plan that are paid now. I've had some of your —, some of your employees say, "Frank [Hardeman], this is great, this drug used to not be covered and now it is." Commissioner Kicklighter said, and that's the plus side where you said we'd get —. Mr. Hardeman said, right, and that's the plus side, and so what you hear is, of course, we all know that when things work right sometimes you don't hear it, but, boy, something works wrong, you hear it a lot, okay? Commissioner Kicklighter said, right. Mr. Hardeman said, we had committed to the staff, to Mr. Kaigler and to Ramona [Hill] in a meeting several weeks ago that we can make the best of both worlds on the drug card. Please give us your drug formulary list on an Excel spreadsheet. That's not that difficult to do, but unless we get it on an Excel spreadsheet, we can't match your benefits. We would have matched your benefits a month ago, with all due respect to everyone in this room, if we'd been given what we asked for a month ago. And we do have the list of your formulary drugs on a listed stack, and the folks at Blue Cross/Blue Shield have it and they're going through it line item by line item and they're making changes at this point. There have already been people that didn't get drugs covered two months ago that have got them covered last month. I've checked, but we could solve this problem very quickly if we would just be given what your staff has already asked. Now, I don't know who needs to light a fire under somebody, but your staff —. Commissioner Kicklighter said, let me stop you right now and ask. Mr. Abolt, how long will it take to get the info that they need? County Manager Abolt said, sir, I met with these gentlemen a few weeks ago. This is the first I knew there was a problem getting information. Obviously, we'll redouble our efforts, if that is necessary. We will not be a reason why this fails. Mr. Hardeman said, and we respect Mr. Abolt, we've —, and it's not —, it's not Mr. Kaigler's fault and it's not Ramona's fault. Like I said, they have done —, they've presented us with what we asked for. It's just not in the form that we need, and it should not be that difficult for the prior carrier, or the prior prescription drug carrier, to put that on Excel —, Excel spreadsheet and get it to us, and then we'll solve that problem, and everything that was on your formulary list under USI will be on your formulary list with Blue Cross/Blue Shield. Commissioner Kicklighter said, well, Frank [Hardeman], I want to clear up one thing, too. I know that you would not intentionally —, did not intentionally mislead anyone. You know, I know that so please don't —, and I understand you have to get defensive. I know that you wouldn't, just like I wouldn't mislead the employees when I told them it wouldn't change. Mr. Hardeman said, right. Commissioner Kicklighter said, I mean, as far as I knew and you knew, it wouldn't, but things did change, and that's my point, is we need to get the spreadsheet or whatever it takes, we need to do it in a hurry, where we can all uphold what we told the employees. Mr. Hardeman said, we have paid —, Blue Cross/Blue Shield has paid in three months \$467,187 in

prescription drugs for your employees, okay? Commissioner Kicklighter said, right. Mr. Hardeman said, and so, I mean, that's a, you know, and that's what we're here for and we're doing that. Commissioner Kicklighter said, that's great and we've counted on that which you told us before that things would get better, so I know there's things that's better, but when we correct the formula and we're paying for more things, we're not taking ones away that equal half and giving additional ones to others, then we'll be holding up to our bargain of Mr. Hardeman said, you'll have a better plan than what we have –, than what we presented because you'll have Blue Cross as formulary and you'll have the formulary that you used to have. Commissioner Kicklighter said, well, you do that and I think we will all be happy with prescriptions then. That's all I have.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, the objective going into this switch really was to effect a savings for taxpayers and to provide as close as possible or possible similar benefits and coverage. The Third District is a very excellent example cross-section of Chatham County and a lot of County employees live in my district, and to be fair here, I've received really a mere handful of inquires, and I haven't actually talked to anybody in person. They've left voice mail messages for me three or four times that I can remember, and they do not leave their name or their phone number for me to get back to them. I still think that they're legitimate calls, I think that you take 1,600 employees, hundreds of doctors, thousands of prescriptions, and from my district's perspective I think this is a manageable number of challenges in this conversion process. I do want to support Dean Kicklighter's thinking that we made a commitment here to not impact the employees in this transition; that is, we wanted to provide a similar level of benefit and coverage, and the proof will come, I think, in due time and it's going to be, as you say, Frank [Hardeman], you're on the firing line and you –, I'm sure you're going to stay on the firing line, but we will do the right thing and protect the employees, and the commitment was to deliver the same or similar level of service and effect a savings for the County. I think this is an issue of being reasonable, I think that on balance we need to look at this ultimately as an on-balance issue. You're just not going to satisfy thousands of prescriptions, thousands of employees, you're not going to find a perfect plan anyway. Not with these guys, not with anybody else. So on balance this is –, I think the proper perspective is are we effecting a savings and have we lived up to our commitment to provide comparable or similar levels of service. So what we're really experiencing, I think, are transitional challenges. I think you're managing them well, but I do want to kind of footnote that and tell you that, you know, when the facts and the numbers are in, if there are challenges with them and it didn't live up to its purported bar on it, then there will be a change, but right now I'm still supportive and optimistic. Thank you.

Chairman Hair said, I just –, I have found some of the comments today to be a little disingenuous. I agree with Commissioner McMasters. You know, all of us who supported this plan are not naive enough to believe that you can't take 1,800 employees and switch something and that it's going to cause certain people consternation. I mean, you know, let's don't be naive. We should have known, if we didn't know, we should have known that any time you switch, and Commissioner McMasters is totally correct. I mean, we could switch back tomorrow and I'd get the same –, you'd get the same complaints from, you know, from somebody else. But I receive 85 to 90 phone calls every day on County business and I have probably received two or three on health insurance since we –, this plan went into effect. I just think that –, and I quite frankly don't know why this is on the agenda today –, but I just think that –. Commissioner Odell said, I asked that it be put on there. Chairman Hair said, okay. I don't –. Commissioner Odell said, it's like Sandfly. I asked that it be put on there. Chairman Hair said, okay. Commissioner Odell said, it's called having a Commission option. Chairman Hair asked, what was your purpose? I mean, was the purpose to get questions answered? Commissioner Odell said, the purpose was to not just get questions answered, but to ask questions. Chairman Hair said, okay. Commissioner Odell said, that's the purpose of all inquiries. Chairman Hair said, okay. I just think that this issue has –, I think it's been blown out of proportion to some extent, and, you know, this issue of, you know, certain doctors not being covered, you know, the reason that certain doctors are not covered is because they want to charge twice what another doctor will charge for the same thing. That's why they aren't covered. That's the doctor's choice is why he's not included. If he was willing to accept the fee –, you know, we're all business people up here, you know. I get –, I lose business too because I'm not willing to lower my price sometimes and sometimes I am willing to lower my price and I get the business. So that's my choice. That's not the customer's fault if I turn a job down because I'm not willing to lower my price. And so I think that a lot of things that have been said up here are certainly legitimate, but I think –, I just want to make sure we keep it in perspective. That's my only concern.

Chairman Hair recognized Youth Commissioner Daniels.

Youth Commissioner Daniels asked, if the contract termination with Blue Cross/Blue Shield and Candler/St. Joseph's go through on December 1st, would it affect the public, and if it does, where would the recipients –, the public recipient of your insurance go for coverage? Mr. Hardeman said, okay, I'll answer part of it and I'll let Mr. Mahoney answer part of it. We hope that obviously that that doesn't happen. We would like to hope that Mr. Hinchey and the folks in Atlanta at Blue Cross/Blue Shield can conclude the contract negotiations, and it's like I said this morning, this has been going back and forth and perhaps –, I know Mr. Hinchey's very, very busy. He's in and out of his office a lot, and perhaps there may have been some decisions made that he wanted and he has not, you know, been able –, he might not gone to his office and heard some things yet that's come from Atlanta. I don't know. Hopefully that will be the case, but you have Memorial Medical Center is already credentialed and they've signed contracts with Blue Cross/Blue Shield, and it's my hope –, I'm a Blue Cross/Blue Shield card holder, okay, and this affects me personally, and not only does this affect my client of Chatham County of 1,600 people, I've got approximately another 2,000 of my clients in the Savannah area that this affects, private owned businesses, not just the County. So to me, for Frank Hardeman, that's a tremendous impact. So hopefully we won't have to cross that bridge. Hopefully Mr. Hinchey will sign the contract and Blue –, and it's a contract that he can live with. I hope. But we have Memorial Medical Center on staff, and what's very important for most people to understand is, most of the physicians in Savannah –, not all, but most of the physicians in Savannah have admitting privileges at all three hospitals. So, if Candler and St. Joseph's Hospital and Blue Cross/Blue Shield cannot reach an agreement, the majority of the physicians, most of the people in Savannah

that hold a Blue Cross/Blue Shield card can still go to the doctors that they go to now. If they have to be admitted overnight in a hospital facility, it would then become Memorial and no longer Candler/St. Joe, but let's keep our fingers crossed. I think everybody wants to do the right thing. I know that Candler/St. Joseph's —, I've spoken with Mr. Hinchey on a number of occasions, and he has indicated that he wants things to work out, he doesn't want to lose the PPO, Blue Cross/Blue Shield doesn't want to Candler/St. Joe to lose the PPO. They're just trying to get the numbers squared away, and I think that —, I think that'll happen, but the people of Savannah, Georgia, will have a hospital to go to and they'll have doctors to go to.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, Frank [Hardeman], my concern is basically during the transition if they wanted to change and if Candler/St. Joe did not participate in this plan, how many of our employees would be impacted? Simply —, I ask that question because I have gotten a number of letters and a number of phone calls regarding that particular issue. So what I would like to know is how many employees that we have that would be impact negatively by the transition if we were to just dissolve the contract or not enter into a contract with Candler/St. Joe? Mr. Hardeman said, that's a question that's going to be a little difficult to give you an answer to only because the majority of your employees signed up for the PPO. I'd say 15% or more signed up for the HMO. Well, for those HMO physicians we can tell you. Excuse me —, for those HMO employees of yours we can tell you because they have to select on their form a primary care physician, so we could go and we could pull up the copies of the applications for those HMO members, and I can tell you how many HMO people will be affected if Candler/St. Joseph's does not sign the contract or if Blue Cross doesn't sign the contract that Candler/St. Joe [inaudible], okay, because we will know, but on the PPO side, you never have to list a primary care physician. You do not have to have a referral to move within the network, and another thing, too, to understand, of course, we promised the doctor co-pays, and that's what we're going to hold to, but under a PPO contract you can go to any physician that you want to. Now, if your physician is in the network, you pay the \$20 co-pay or the \$15 co-pay, whatever it may be, but if your physician is not in the PPO network, you have certainly the right to go to that doctor and it's covered as deductible and co-insurance just like the old plans used to be before managed care hit. Now, admittedly it's not as good a benefit as if your doctor is in the PPO, but it certainly does not preclude you from going to any physician you want to, and Blue Cross/Blue Shield will indeed pay those claims. Without sitting down and polling each of your 1,600 employees and asking them which physician that they go to, there's no way I can tell you exactly how many people, you know, go to —, how many PPO participants go to Dr. Bradley or someone else that is in the Candler Medical Group, but I can tell you exactly on the HMO because they have to designate.

Commissioner Rivers said, I would like —, I would like to have that information provided to me. Let me ask you —, Mr. Kaigler? Mr. Michael Kaigler said, yes, sir. Would it be too difficult to poll your departments and employees to find out how many of them would be impacted by a change? Mr. Kaigler said, we can certainly undertake that and see what kind of response we get. Commissioner Rivers said, okay, Mr. Manager, I would like to ask you to do that and then I can have both figures, and then it gives me a little better —.

Commissioner Odell asked, Joe [Rivers], may I just interject something here before Michael [Kaigler] leaves? There may be a way to get that without polling, and that is if they've submitted a bill, you ought to be able to determine those doctors who've been excluded (a) they can provide you that —. Mr. Kaigler said, certainly I can get that. Commissioner Odell said, and then we could balance that against those doctors —, the number of employees or the employees that have been seen by those doctors, consider those doctors to be their primary care physicians without polling.

Chairman Hair said, Commissioner Odell is next and then Commissioner McMasters. Chairman Hair asked, are you through? Commissioner Odell said, no. Chairman Hair said, okay, you've got it. Commissioner Odell said, no, I'm not through. Chairman Hair said, okay, you're next. You're on. You're on stage.

Commissioner Odell said, next to you, Billy [Hair], I mean, I'm just left out. To answer the Chairman's question why this was put on, Al St. Lawrence, has this transition just been minimum as far as health insurance plan based upon your employees? Sheriff St. Lawrence said, no, and I have a large department. I do get a lot of flack about the insurance. I get —, for example, one was telling me that they have to take a medicine, I believe it was Vioxx. They used to get a 90-day supply from the doctor. Blue Cross/Blue Shield won't pay but for a 30-day supply. So if you pay \$12, you're going to pay it three times to get the same amount you were getting for \$12 before. But, you know, and then there's a co-pay that I as told about yesterday, and the employee is Judith Tyree who said that she went to the doctor and she paid the \$15 and then she had to have some therapy, but she had to pay for that herself and they —, and Blue Cross/Blue Shield called it part of the co-pay. So, you know, I don't know. There's a lot of —, there's a lot of complaints. Maybe a lot of it is just the transition from one company to another, but I get a lot of it, but I've got 400 employee though so I'm bound to get a lot. Commissioner Odell said, so it's not one or two as has been indicated earlier? Sheriff St. Lawrence said, let me tell you the biggest one is the St. Joe's/Candler thing with most of the employees. You know, that right now with this announcement that, you know, as of December 1st they no longer will be a part of it unless they, as Frank [Hardeman] says, they work it out. That's caused me a lot of heartache with the employees because they were told in the meeting that St. Joe's/Candler was going to be right on. So that's where we stand. I don't know.

Mr. Hardeman said, gentlemen, if I could chime in real quick and on the complaints, you know, I'm hearing from Chairman Hair that he gets some phone calls, and I'm sure each of you do, and I hear from Al [St. Lawrence] that he gets some complaints from some of his employees. You know, obviously going into this account I knew this was going to be a high profile account, that I knew there would be people watching what happened with this account, whether they were an employee of Chatham County or Blue Cross/Blue Shield or not, and at my office we keep good records, I like to think, of complaints that come in and claim problems that come in or billing errors that come in, and John [Mahoney] and I have been meeting —, it's slacked off a little bit over the last month, but for the most part about every two weeks we sit down with Ramona [Hill] and Mike [Kaigler] and they provide us with concerns, usually in writing either

through E-mails that they've received or through FAX's or what have you. Now I'm not saying that y'all aren't getting complaints, but John [Mahoney] and I are paid to do a couple of things. John [Mahoney] and I are paid to find health insurance programs for our clients to give them quality benefits and try to save them money. We also get paid to solve the problems that come up when they arise. I checked it this morning, I went to my office at seven o'clock this morning before I went to Lake Mayer's enrollment. I've got 27 complaints out of 1,600 employees. We've solved the 27 complaints. If there's 100 complaints out there, that means that I haven't gotten 73 of them, and I can't fix a problem that I don't have. So if your employees –, please tell them that if they call you, if they call one of the Commissioners or they call a department head, please tell them to relay their problem to the Human Resources department so that it can be relayed to John [Mahoney] and I and we'll solve their problem. I cannot fix a problem that I don't know about. I've –. Commissioner Odell asked, so they need to go through Human Resources and then –. Mr. Hardeman said, yes, sir, I mean, because it –, you know, Mr. Odell, if they call you and say, "I've got a claim that's not paid," or they say, "Sheriff, you know, I went and everything wasn't paid the way I thought it was," well, Frank Hardeman can't fix that if he finds out about it on Friday morning at Commission meeting. I can fix it if it's faxed over to me and I see a copy of the EOB or I see whether something was filed incorrectly or miscoded or something. I can find out what's wrong with that claim and I'll call them back, and I can give you a listing of the 27 employees. I've talked to them personally. I've met some here and I've met some at my office, and I'm committed to do that. That's what I get paid to do, but I can't solve a problem if it's invisible. If I can't see it, I can't fix it.

Commissioner Odell said, that's fair, Frank [Hardeman], and no one wants to blind-side you, but what we do want is promises made to be promises kept, and so that the Chairman will understand why this was placed on the agenda, which he does not understand, it was placed on the agenda because our biggest asset are our employees. This Commission has a bad habit of balancing its budget on the backs of the employees. There have been complaints about the health insurance program. Having been in the area many, many years ago, I understand that there are always problems in transition, but I don't want this to be a sweetheart deal so that you guys know that just because you're buddies with some that if the complaints come up that they're not going to be voiced. They're going to be more voiced, okay. We did this without a bid. I am concerned that people who are with St. Joe's/Candler, that those physicians are not going to be included when I believed that they would, number one. That is a major concern. Number two is that I'm bothered that Wellpoint in the *Los Angeles Times* had a 39% profit increase. I don't begrudge you all making a profit, but what I do begrudge is that St. Joe's/Candler has shown a commitment that they are good citizens of Chatham County, and they have been good citizens to this Commission, and when you told us that you had an agreement with them, I believed you, and I understand that you didn't know, even though someone in your organization knew. But I'd like to see that arranged and not balanced on the backs of our employees. That's why I put it on the agenda, Mr. Chairman.

Chairman Hair said, well, thank you, Commissioner Odell. I still don't understand, but I'm not a lawyer, so maybe that's why I don't understand. Commissioner Odell said, no, you don't have to be a lawyer to understand what I've said. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. This poll of employees, what are we polling? I know Joe [Rivers] –. Commissioner Rayno said, we agreed not to poll. Commissioner Odell said, yeah, you missed that. It's not necessary. Chairman Hair said, it was to determine the number of employees who would be impacted if the contract with Candler/St. Joe does not come to fruition. Commissioner McMasters asked, okay, we've decided to wait until that negotiation is finalized? Commissioner Odell said, no, but we can get that information without polling. Chairman Hair said, we can get it without polling. Commissioner McMasters said, okay, fine, then I'm done.

Chairman Hair asked, okay. Is there anything else, Commissioner Odell? Thank you. Appreciate you coming.

Mr. Mahoney asked, may I say one thing, Dr. Hair? Chairman Hair said, certainly. Mr. Mahoney said, one thing that Frank [Hardeman] brought up that is critical. I know that y'all get a lot of complaints with Chatham County employees. You're a sounding board to them, as well as the Sheriff. Please encourage them to contact Frank [Hardeman], to contact HR or contact Blue Cross directly because we're available. The intent of this contract –, and, Commissioner Odell, I share your concern –, is to make sure that every employee is taken care of. We're on our third time seeing the employees one on one, and it is the intent of the contract to do that. But because of constrictions with right to privacy, we can't find out what the problem specifically is and can't fix the problem until you address it specifically and help them through the system. Commissioner Odell asked, so do you want them to contact Blue Cross directly or Human Resources? Mr. Mahoney said, see, it's important. They can –, they have the right to call Blue Cross directly and work their problem out. They can contact Frank [Hardeman], he can work on their behalf, or they can contact HR and work in their behalf, but please to goodness don't take 35 complaints and let's not act on them. Direct them to one of the places that you feel the most comfortable so that we can act on them and get them the coverage that they do deserve. Chairman Hair said, thank you. Mr. Mahoney said, and I would ask one –, or at least I know that our County Manager, the request has been made of staff to –, for the Excel spreadsheet. Mr. Abolt, if that could be done in an electronic format because physically it is –. County Manager Abolt said, y'all talk to Mr. Kaigler and we'll take care of what you need. Mr. Mahoney said, great.

Chairman Hair said, thank you. Mr. Mahoney said, thank you. Mr. Hardeman said, thank you, gentlemen.

Commissioner Odell said, could we have the questions which they answered, which needs to be attached to the minutes. Mr. Hardeman said, we have your answers. We'll make sure they're distributed to Mr. Abolt. Commissioner Odell we'd like to have that incorporated as a part of the minutes. [NOTE: See "Attachment 1" below.]

Chairman Hair asked, anything else? Mr. Hardeman said, thank you, gentlemen. Commissioner Odell said, thank you.

ACTION OF THE BOARD:

Received as information.

ATTACHMENT 1

7 NOVEMBER 2002

MEMORANDUM

TO: THE BOARD OF COMMISSIONERS, CHATHAM COUNTY GEORGIA

FROM: FRANK HARDEMAN III & JOHN MAHONEY

ANSWERS TO HARRIS ODELL

1. At this time St. Joseph's/Candler Hospital and BCBSGA remain engaged in serious negotiations. It would be inappropriate at this time to comment further on these discussions for fear of prejudicing them. We are hopeful that all parties will reach an agreement.
2. If an agreement with St. Joseph's/Candler to remain in the PPO is not reached by December 1st, employees in the HMO option will need to choose new physicians from the expanded BCBSGA network with Memorial Hospital. Employees participating in the PPO can choose to remain with the same doctor on an out-of-network basis, or move to an in-network doctor in the BCBSGA PPO network. Keep in mind that individual doctors currently in the St. Joseph's/Candler network may choose individually to participate in the BCBSGA PPO network.
3. The unilateral decision by St. Joseph's/Candler to leave the BCBS network protects the projected savings for Chatham County. The Hospital had demanded very significant fee increases as a condition for their considering staying in the network. Neither the level of fee increases nor the total fees resulting from such increases are competitive with other hospitals in the Savannah region. As such, the fees could have potentially undermined the savings projected for Chatham County.
4. St. Joseph's/Candler leaving the Blue Cross network has no effect on employee premiums or co-pays.
5. We could lose 18 primary care doctors if Candler/St. Joseph leaves the PPO network. However we will gain 43 primary care physicians and 46 specialists.
6. The best information available at this time indicates that sixteen St. Joseph's/Candler physicians, which are part of a physician network owned by the Hospital, may no longer be available to employees after 12/01/02.
7. The addition of Memorial Hospital, which was strongly requested by the Chatham County Board of Commissioners, means a net addition of 43 primary care physicians and 46 specialists who will be available on an in-network basis to Chatham County employees for both the HMO and PPO plans.
8. There will be no increase in the cost for prescription drugs. We have requested the previous formulary on an Excel spreadsheet to determine the differences and explore additions and the effect it would have on increased costs. There is the potential to remove the formulary entirely. However, this could have the potential impact of increasing claims by 3% to 5%.
9. Exactly as at present, employees are able to choose their own physician and hospital. If the employee has elected the HMO option they must, as now, choose doctors and hospitals which are in-network. If they participate in the PPO they may choose any doctor or hospital, but pay additional out-of-network deductibles and co-payments if the medical provider chosen is out-of-network. Not only is this the same as with the current BCBS PPO option, but is how the prior county health plan worked.
10. Only for those physicians that are not contracted to practice at Memorial. HMO participants may select any Primary Care Physician that is in the BCBSGA HMO Network for referral through the system.

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2. WILD CAT DAM ROAD BRIDGE, BLOOMINGDALE (COMMISSIONER KICKLIGHTER).

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. We have Mayor Rozier from Bloomingdale out in the audience and we also have the City Attorney, Jim Gerard. I would ask them to come forward at this time. They contacted me a while back, and I guess the only way I can explain is something, I guess, unfortunate took place a while back that —, and I'll let them explain the details —, but apparently former Chairman Mahany asked the City of Bloomingdale to annex all the little pockets of unincorporated land out, you know, in the area. That away [sic] the County, you know, they could be better served. So Bloomingdale, which was at a previous Mayor and Council out there at the time they did this and annexed a certain area which had the Wild Cat Dam Road Bridge in it, and at no fault of the County or the City, none of them got out there and actually got underneath that bridge at the time and looked at it, and —, or I guess you could be jointly at fault. None of them got out there and looked at it, neither the County nor the City. But, anyhow, the bridge has been closed by the DOT. There's undoubtedly a pylon underneath there that would cost approximately \$20,000 to replace, and they're here asking for our assistance today, and I know timing is everything and after reading the paper this morning I know this is probably the worst possible time to have to come up here and talk with us today about this, but if there's anything we can do to help, I certainly would appreciate this Commission if you'd consider giving them the help necessary to help repair this bridge.

Chairman Hair asked, Mr. Rozier or Mr. Gerard, do y'all want to say anything or add anything?

Mr. Gerard said, I don't know whether y'all know where Wild Cat Dam Road is, but it's a road that goes north and south from Highway 80 down to Pine Barren Road. It's about a two-mile road, and to expand on what Mr. Kicklighter said, Joe Mahany did contact Bloomingdale in the —, I think it was in the mid-1990's, concerning a certain unincorporated island within the City of Bloomingdale, and that sometimes happens in annexations. The City or the County leaves out certain land areas from what's supposed to be annexed, and in this case, as far as Wild Cat Dam Road is concerned, Wild Cat Dam Road serves as the boundary between Pooler and Bloomingdale, and when Pooler annexed some property, they did not include Wild Cat Dam Road, and so as a result, the two cities were sitting there and the Wild Cat Dam Road went right down between the two and no one really knew who's responsible to maintain it, and obviously since the County still technically —, it was still in the County, the County was maintaining it, and that was one of Mr. Mahany's concerns that the County shouldn't be maintaining this piece of property when it's between the City of Pooler and the City of Bloomingdale. At that time, also, there was also a piece of Union Camp property that was within the city limits of Bloomingdale but actually belonged to or was within Chatham County. He asked us also to annex that. So not as a —, I wouldn't say it was exactly as a favor, but we said that we would take care of those house-cleaning matters and annex Wild Cat Dam Road together with this Union Camp property, which we did some time in the year 2000 when the present Chairman was sitting. What happened between the time that we were contacted by Mr. Mahany and the time that we actually annexed the property is that the County received a notice from the DOT concerning defective timbers on this bridge and they were instructed to upgrade the bridge at that time. I'm not sure, and I'm not going to state that the work wasn't done, but I don't have any knowledge that it was done, and as a result of that, at the time that the road was annexed by the City of Bloomingdale, the County was sitting on a letter that said, "this bridge needs to be fixed," and that information wasn't passed on to the City, and I'm not saying that the people that I was working with to effect the annexation knew any of this. I think it was just a matter of one department not knowing what the other department was doing, but when the City made the —, agreed to annex this property, we agreed to take on the day-to-day operation of maintaining the road. We didn't intend or agree to take on prior problems that the County had knowledge of concerning this road, and we felt that, you know, if the County had been placed on notice of things that needed to be done on this bridge, that they would have been done and, if they hadn't been done, we would have been put on notice at the time of the annexation. And as y'all know, about two years after this annexation we were put on notice or the County and the City were put on notice that the bridge needed to be closed because of the fact the timbers had not been fixed, the same problem that the DOT had complained about two years before, so it's not something different. It's the same problem that existed that the DOT had a problem with, and that's why we feel that the County should share with us the financial burden of trying to fix the bridge.

Chairman Hair said, I want to make sure I understand what you're requesting. Are you requesting the entire \$20,000 repair or are you requesting a portion of that, or what are you really requesting?

Mayor Rozier said, well, at this time, you know, we're looking at a temporary fix with a cost between 20 and \$30,000, and we're also in contact with three different engineering firms, and the Morgan family owns a lot of property back in that area that's by Wild Cat Dam Road, and what they intend to do in the next three to five years is improve the road greatly and develop that property for some commercial use and some residential use, but if we could do a temporary fix on it until —, until they can go back there and do their upgrades that they're going to do on the road and completely repair the bridge —.

Chairman Hair asked, is the road a public road now because you're saying the Morgans are going to improve it —, improve the road? Is it a public road? Mayor Rozier said, it is a public road right now, yes, sir. Chairman Hair asked, but they plan on improving a public road? Mayor Rozier said, they plan on —, they —. Mr. Gerard said, the Morgans seem to think that they have some rights to the road, which I've got a question as to whether or not they are correct or not, so they're willing to contribute, I believe, to some of the repair work. I don't know to what extent and there's nothing in writing, but there have just been discussions to that effect. Chairman Hair said, my last question is are you asking for this one shot repair and then would the City be willing to maintain it in the future, or are you asking the County to maintain it in perpetuity? Mr. Gerard said, no, we're just asking —, this is just a one-shot deal for the work that should have been done, you know, in 1999, then we'll continue maintaining it in the future.

Chairman Hair said, Commissioner Kicklighter, then Commissioner Rayno and Commissioner Odell.

Commissioner Kicklighter said, Mr. Chairman, because of our —, and I'll state this with staff, our accidental oversight, I would guess, by staff to notify them with the letter, I would make a motion that we approve to assist Bloomingdale in the amount of \$20,000 for this one time only because of our prior knowledge, and I'll put that in the form of a motion.

Chairman Hair said, we have a motion. Do we have a second? Just for purpose of discussion. We have a motion. Do we have a second? No second? Okay, the motion doesn't have a second. Mr. Abolt, were you going to make a --?

County Manager Abolt said, I just want to indicate we have presented a chronology in your staff report in your agenda packet under this item. I have analyzed it along with the County Attorney and the Director of Public Works, and certainly, you know, if you wish to use discretionary act and do this is one thing. I would not want it though driven by justification as to staff's error or in effect anything inappropriate on the County's part to withhold this information. The chronology in our documentation shows that a prudent that did the correct thing. Obviously, more could have been done, but I do not want this to be in effect described as an error.

Chairman Hair said, okay. Commissioner Rayno, then Commissioner Odell and then Commissioner McMasters.

Commissioner Rayno said, good morning, gentlemen. How are you doing today? Pardon my ignorance as to how Bloomingdale is set up, but do you have an engineer or did you have one on staff in 1999? Mr. Gerard said, no, we did not have an in-house engineer at that time to my knowledge. Commissioner Rayno said, okay. Prior to any annexation is it the policy of Bloomingdale to not inspect the properties and all aspects of the properties to be annexed? Mr. Gerard said, at that time no. The City only had done probably about two annexations prior to that, and I don't know what the policy of the City was even if one could have been established. Commissioner Rayno said, I guess the point of my question is that, you know, in the private sector it's like a buyer beware market out there. You pick up something, you always want to inspect it before you acquire it, and in a situation with properties that might involve roads and bridges, it would seem to me that a municipality would want to do something like that, to do something like a bridge, which is a huge public safety issue with wooden girders underneath. I guess the other question I had was does Bloomingdale maintain some kind of a budgetary item for bridges to maintain them? Mr. Gerard said, no. Commissioner Rayno said, so even now if we gave you a one-shot deal, you don't have anything for bridges in your budget whatsoever. Mayor Rozier said, that's correct. Commissioner Rayno said, okay. Do you maintain some kind of a contingency fund? Mr. Gerard said, yes, there's a contingency fund for certain emergencies that happen. That's typical with all governmental entities. Commissioner Rayno asked, what's the size of your contingency fund right now?

Commissioner Kicklighter said, that's not --. Commissioner Rayno said, well, I think it is. They're asking for money. If they've got a \$4,000,000 contingency fund, I should think that they can afford \$20,000. Commissioner McMasters said, it's public record. Commissioner Rayno said, well, I would assume the Mayor would know what it is. Mayor Rozier said, it's nowhere near \$4,000,000, Mr. Rayno, I can guarantee you that. Commissioner Rayno asked, well, what is it? Mayor Rozier said, it's more like two or 3,000. Two or 3,000 at the most.

Mr. Gerard said, one of the options the City might have, and I haven't explored this, is that we might de-annex the road so that it doesn't --, it is no longer our responsibility to even maintain. I don't know whether or not --, I'm still in the process of looking into that, but we agreed to take on the obligation to maintain this road and to take it off of the County's responsibility to maintain, and I believe that was substantial consideration to get the road, and as far as --, yes, it is a buyer beware society, but on the other hand when I buy a car and the car dealer realizes or has received notice that that car sitting on the lot does not comply with legal requirements, I expect that car salesman to tell me that before I take it off the lot, and in this case the County had received a document from the Department of Transportation indicating that the road did not comply with their criteria and that it was unsafe, and I believe that at that point the County had the obligation to do something about it wherein they didn't. When we got it, that information should have been passed on to us because we needed to protect the people that were using the bridge at that time and, because we did not have that knowledge, we were not able to make those repairs, and we were putting the people who were using the road in jeopardy by doing so. And the question I have is after the annexation, let's say two weeks, if someone had been killed on that bridge by it's collapsing, who would have been sued? I think we would have been probably sued because of the fact that we had just annexed it, but I 'll be you your bottom dollar that the County would have been a party to all that litigation, too, because --.

Commissioner Rayno asked, can you --, I'm sorry. Can you explain to me who the Morgans are? Do they own the property surrounding the bridge? Mr. Gerard said, yes, sir, they do. Commissioner Rayno asked, so you're saying there's a possibility there might be a legal action by the Morgans as to who the actual ownership of the bridge belongs to? Are they going to use it for their private use? Mr. Gerard said, they have never asserted a legal claim to the bridge. I think that one of the Morgans had stated that he believed that --, and I can't really summarize because I didn't have direct contact with him --, that he felt that his family had some rights to the bridge, and I have yet to see anything that would substantiate that. There's certainly no legal action being threatened or contemplated, and the chances of any being filed is almost nil. Commissioner Rayno said, okay. Well, let me state two concerns and then I'll turn it over to Commissioner McMasters. Number one is that until that issue with the Morgans is resolved and something's put on paper that they're, you know, not going to file any future claims to it, I don't see how putting County money towards this project is in our best interest, and, number two, is the fact that we might set a huge precedent if we go back and look at properties that have been annexed and then a problem is alleged that has occurred after the annexation. For instance, we've just turned over some properties and the future to the City of Savannah on Hutchinson Island. What if the City came back after they annexed the property and said, "well, we did agree to maintain the roads and take care of the lighting, but there's a few conditions that existed, and since you helped out Bloomingdale, why aren't you helping us out?" And this precedent could go right down the line with municipalities after they've annexed property, and when you set a precedent, you're setting for huge future problems. Mr. Gerard said, I think this --, I think to avoid most precedents, you can express certain --, specific items out that are specific to this situation, one being the fact that there was a letter to the County indicating that the road or the bridge was unsafe. As far as claims to ownership in the road, DOT considers the road --, it's on the public --, it's on a list as being a public road. DOT considers it a public road, Chatham County considered it a public road. I don't see how there's any argument that it's anything but a public road.

Commissioner Rayno said, well, it seems unusual that the Morgans want to financially contribute to fix the problem if they don't have any ownership to it.

Commissioner Rayno asked, Mr. Abolt? County Manager Abolt said, yes, sir. Commissioner Rayno asked, is it your opinion that —, do you think Bloomingdale was properly informed as to the condition of the bridge at the time and reasonable amounts of documentation were given to them to inform them of the condition of the bridge and any future conditions that might happen? County Manager Abolt said, yes, I do, and I also want to point out just for the sake of perfecting the record, that the letter from GDOT back then really did not speak of unsafe. It said it was in fair condition.

Chairman Hair said, okay, Commissioner Odell, Commissioner McMasters, and then Ms. Cruz. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I've got just a couple of questions. When we talk about sharing, we're talking about the cost being from 20 to \$30,000, but your request is not to —, for the County to share that expense. Your request is that we assume that expense. When you answered to the Chairman's question as to what finances you expected from you, I understood the Mayor's response was that 20 to 30,000, so your request is for 20 to 30,000, is that true? Mayor Rozier said, the request would be for as much help as we can get, Mr. Odell, but, you know, we're willing to take what we can get. Our problem is nobody in Bloomingdale lives past that bridge; however, there's somebody who lives in Pooler that's past that bridge, and that's the only way they can get to and from their home. If I close the bridge down, close off EMS response to that residence, if I close off the fire department response to that residence, and that man's house burns down, or has a heart attack or something, then the City's liable. You know, number one, we don't have the money to repair the bridge as a whole. We are talking to the Morgans and we are coming to the County Commission and asking you for your assistance. You know, whatever assistance we can get would be most appreciated. Commissioner Odell said, I understand, sir. Have you also been to Pooler to ask them for their assistance? Mayor Rozier said, yes, sir, we have. Commissioner Odell asked, and their response was? Mayor Rozier said, the bridge is not ours. Commissioner Odell said, okay, and the simple fact that it leads to their land is of no concern, is that true? Mayor Rozier said, that's right. Commissioner Odell said, I'm understanding the difference between the Mayor is saying and what learned counsel is saying. My understanding is that the Morgans may have a claim to the bridge, and I understand that DOT says, the State says, and everyone else says. That does not bar a claim. Counsel, you would agree with that, wouldn't you? Mr. Gerard said, I agree with that. Commissioner Odell said, okay. So if the Morgans own property on the other side of the bridge and they are, quoting the Mayor, thinking a few years down the road to making substantial repairs, somewhere they believe that they have a claim to that bridge. Mr. Gerard said, I think the Morgans' involvement in all of this is that they have property on either side of the bridge which they want to develop. Right now they have an interest in making sure that that bridge is functional. How you get from there to a legal claim to the bridge, I have yet to gain knowledge of. Commissioner Odell said, I'm not trying to make their claim. That's not my role, but my question was nevertheless they are asserting a claim, whether or not that's been formally asserted or informally asserted. My question further is the letter that we received from DOT, prior to the bridge being annexed, I understand your response to let the buyer beware, but there's also an axiom of due diligence. Is it your statement to us that Bloomingdale could not have obtained all of the public information available on that bridge just as we had received? Is that your legal opinion? Mr. Gerard said, we could have received it through an open records request, yes. Commissioner Odell said, okay. And the fact that you elected not to do that, your argument and your position is that that creates, if not a legal responsibility for Chatham County, then some moral responsibility for us to repair a bridge that you annexed that lies between Bloomingdale and Pooler that provides an access to a Pooler citizen and which Pooler says, "we're not paying," so we have an obligation. Is that true? Mr. Gerard said, I think you have the obligation to the public to make sure that bridges are safe when they're passed on to cities to maintain because, it's no so much an obligation to the City of Bloomingdale as to the citizenry who are going to be using that bridge. Commissioner Odell said, I agree and I'm not saying that, but I also agree that you, Bloomingdale, you are a municipality and you owe an obligation to your citizens just as Pooler. We're not the only obligors here and —, I don't know. I understand your reasoning, but —. That's okay. Thank you.

Chairman Hair said, Commissioner McMasters and then Ms. Cruz.

Commissioner McMasters said, thank you, Mr. Chairman. How much traffic, gentlemen, does this road experience? This bridge? Mayor Rozier said, other than the one family that lives back there and behind —, beyond the bridge, and the one family who has a family cemetery beyond the bridge, there shouldn't be much traffic back there at all. We've only —, when we —, when we actually closed the bridge, we only had one family complain and that was the family that lived back there beyond the bridge in the City of Pooler. He says, "I cannot get to my home, EMS cannot get to my home." I've already gone over that. And if I could make a response to Mr. —. Commissioner McMasters asked, Odell? Mayor Rozier said, — Abolt. Commissioner McMasters said, oh. Mayor Rozier said, he said the bridge was in fair condition. I've got a letter here from the DOT dated 1999 before I ever took office that says "[t]he bridge structure is in fair condition with the exception of deteriorated timber structure [sic] piles. Piles 1 and 2 at the northern abutment, pile 1 at bent 2 and piles 1 and 2 at the southern abutment exhibit signs of advance decay and should be scheduled for replacement. The precast concrete deck slabs are not adequately bolted together. These units should be securely bolted to allow them to work together as they were designed. The spalled area of bent #2 cap should be repaired. A significant amount of debris accumulated under the structure should be removed to allow proper flow of water through the structure. The deck joints throughout the structure have failed and should be cleaned and sealed. The lack of railing on this structure should be addressed. If the deficient timber piles are replaced, this structure could be upgraded significantly."

Commissioner McMasters asked, Mr. Mayor, did you receive that document prior to the annexation or after the annexation? Mayor Rozier said, I received the document last month. I came into —, I was sworn in as the Mayor of Bloomingdale in January of this year, so, I mean, this was done in 1999. Commissioner McMasters asked, have you

checked with your predecessor to see when they may or may not have received that document? Mayor Rozier said, they said they didn't know anything about it.

Commissioner Kicklighter asked, can I add to that? I asked for a notarized letter from the former Mayor, and he sent a letter stating that he had no prior knowledge to that before the annexation.

Commissioner McMasters asked, Mr. Abolt, what do we have in our records to indicate that –? County Manager Abolt said, you have in front of you, sir, we have a letter to some –, a gentleman by the name of Buddy Burke dated the 6th of December 2000 reporting that information to him. Commissioner McMasters asked, prior to the annexation? County Manager Abolt said, yes, sir. The chronology on what amounts to the second page of this agenda item, it gives you exactly the chronology of events. Mr. Gerard said, and I had pointed out to the Commissioner –, to Mr. Kicklighter before today, that was a 15 or 16-page list that was provided to Buddy Burke by the County for the purpose of informing Mr. Burke as to the condition of the bridges in Bloomingdale, and those bridges in Bloomingdale were asterisked and to draw Mr. Burke's attention to the bridges he needed to be concerned about. So anybody reading that letter, and we've talked with Mr. Burke, he did not go through all 16 pages of all the bridges. He only went to the ones that were asterisked and were being pointed out to him by the County. Commissioner Odell asked, and that's our fault? Mr. Gerard said, it was not –, at that time, that was in 1999 prior to the annexation, two years prior to the annexation, and the only reason that letter was being given to Mr. Burke was so that he would know the condition of the bridges in Bloomingdale. So –. Commissioner McMasters asked, yes, but weren't these –, was that document given unrelated to the annexation or was it provided to you as part of the annexation? Mr. Gerard said, unrelated to the annexation. Commissioner McMasters said, that's an interesting point, but it still, I think, clearly demonstrates that this County did the right thing and –. Mr. Gerard said, well, even if it were, I mean, 1999 where it was a list that told the County to repair the bridge, you would assume also, a reasonable assumption that if the County were told to perform the repairs in 1999, two years later they would have been performed. Commissioner McMasters said, but nonetheless you had the decision to make on annexation and you had the benefit of the information. Mr. Gerard said, we had a letter that had come to us two years before and the man who received it did not look at it with an eye toward annexation. If you looked at it with an eye toward preparing the bridges in the list that were located in Bloomingdale. Commissioner McMasters said, but, nonetheless, it was passed along and –. Mr. Gerard said, we did get the letter.

Commissioner McMasters said, okay. I don't want to belabor this. So the bridge is now secure and no one is traversing the bridge, is that correct? Mayor Rozier said, the bridge is locked. Commissioner McMasters said, I'll conclude by telling you that if you can substantiate, which I don't think you can because you just admitted that you received it, so I don't think there's culpability here on the County's part, but in the spirit of the moral question that my colleague Harris Odell pointed out, you know, if you guys can orchestrate some equal responsibility on a moral basis, not an obligated basis or a legal basis, between yourselves, Pooler, the Morgans, I would support an equal share from the County, but that's about as far as I think is reasonable, and I don't think there's any obligation to do that, but I think that would be a reasonable thing to do.

Chairman Hair recognized Youth Commissioner Cruz.

Youth Commissioner Cruz said, I just want to know if the County does give you the money, what will you do so that this won't happen again, and how much money do you think the Morgans are going to give you, and will you start a bridge fund for the bridge so this won't happen again? Mayor Rozier said, the first –, the first part of the question is how much money that we're asking or –? Youth Commissioner Cruz said, no, how much money do you think the Morgans is going to give you? Mayor Rozier said, I don't think the Morgans are going to give anything because it's not –, I don't believe it's their bridge. The Morgans are made up of about 10 different family members that control their property holdings in Bloomingdale. There's about 1,500 acres which they are considering for –, to upgrade and to develop with commercial and residential lots, and of that 1,500 acres, I'm not sure the exact amount, but I think about 600 acres of it is in Bloomingdale, but I don't believe –, not all 10 of the Morgans are in agreement that the bridge belongs to them or the road belongs to them even though the property –, the road runs right through the middle of their property. So I don't believe they're going to give us any. As far as what we're going to try to do to it, if we can –, if they want to later on develop the road into a two-lane road –, right now it's a one-lane road. I mean, you can't pass –, only one person can fit on the bridge. If they'd like to later develop it into the one-lane [sic] road, we'd like to at least prepare the road where just the citizens that live back there can get back and to to their home and the people that have a grave site back there, the family that has a grave site back there, can go back and to to their family grave plot. I believe there's about 15 or 20 different grave stones in that –, in that plot. But as far as having a bridge fund in the future, most of the bridges that we have in Bloomingdale are on –, on State right-of-ways and so I don't think we have a need for one. This is the only one that we have and if it is repaired to the –, to the standards that the State wants right now, I think it will last for a long time. That bridge was put there by Union Camp back in the 50's to do timber. Now Union Camp used to own all that property, but no longer they do.

Chairman Hair said, thank you, Mayor. Ms. DiNatale and then Commissioner Kicklighter.

Youth Commissioner DiNatale said, I guess this question would be directed to you or to other Commissioners. Chairman Hair said, okay. Youth Commissioner DiNatale asked, if Chatham County was to give this money, out of what fund would it come? County Manager Abolt said, Special Service District, sir. Contingency. Chairman Hair said, yes, the Contingency.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, I don't believe that there's a question of us being legally obligated. I don't think that we are. The –, I came up in front of this Commission as the Mayor of Garden City some years back. We annexed a lot of land and basically at that time we felt that it would be nice for y'all to prorate the money in that

came from the business licenses because we had serviced the area at that time. At that time, actually the person that I'm now sitting in the chair of, objected and said that it was a budget item, that this County was not legally obligated to give Garden City money, and at that time I asked this County to just do the right thing not the legal thing. Legally, all these attorneys are great and all, but legally –, I said it then and I'll say it now –, we're not responsible, but morally the right thing to do is to help these people out. This County didn't intentionally do anything wrong. Bloomingdale, the former Mayor, or whatever back then, they didn't intentionally do anything wrong. One would assume that they would be notified that a bridge is falling apart when they were asked to annex it, and, you know, not necessarily –, and I know it wasn't intentional by our staff, but you would think that the actual letter itself would go towards this municipality rather than a line item in a 16-page document two years previous to the annexation. So, yeah, I can understand a man not looking at that back then because at that time they didn't have any intention to annex that bridge. So it was an oversight by the previous administration there and I'm sure it was a simple oversight and I know it was not intentional from the County not to send them the letter flashing at that time, and, you know, I ask this Commission just do the right thing, not the legal thing and let's help the guys out some. And I know we're broke as a County, we –, you know, 20,000, I figured I'd go for broke and ask for the whole thing, but, you know, I didn't get a second, but if we can help them out some way, it's the right thing to do, not the legal thing.

Chairman Hair asked, would you like to make a new motion? Commissioner Kicklighter said, I'd like to make a motion that we assist Bloomingdale and possibly pay up to \$10,000 for repairs. Chairman Hair asked, does that motion get a second? Commissioner Odell said, just for Dean [Kicklighter] I'll second it. Chairman Hair said, okay, motion and a second. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, okay. Let me –, I've heard sort of conflicting things here, that Union Camp owned the property. Was that road dedicated over to the County, Russ [Abolt], at any time, do we know? County Manager Abolt said, to the best of my knowledge, sir, it was a public road. That's why GDOT notified us as to the condition of the bridge. Commissioner Rivers said, let me ask this question here, Mr. Rozier. How much money can Bloomingdale afford to put in here? You said assistance and that's –, you know, all of a sudden I hear the whole thing, but how much money is Bloomingdale willing to put in towards this? Mayor Rozier said, right now we're looking at trying to get enough bids from enough –, I've got my roads and streets councilman this morning is contacting engineers to get bids on repairing the bridge. If not repairing the bridge as it is, putting in the concrete, what you call it, square tube concrete underneath the bridge like most of the County uses, and then just doing away with the bridge part and just paving over it. As far as asking for a number right now, I can't give you a number. I can't give you a number of what my council will approve paying. Commissioner Rivers said, okay, so –. Mayor Rozier said, if I can –, going back –. Commissioner Rivers said, you're leaving me with a dilemma. Mayor Rozier said, yes, sir. Commissioner Rivers said, you came asking for assistance and yet I don't know how much you're willing to put towards this and yet if the property of the citizen concerned lies within Pooler, seemingly Pooler will have some moral obligation to those citizens to access their property. You know, I think –, I'm compassionate, but yet we need everybody cooperating in this thing and working together to make things happen. Mr. Gerard said, we're going to have to come up with whatever money is not funded by Pooler or the County. I mean, we need to get that bridge open and –, because there are people that are needing to use it, so we'll have to find a way to pay what it takes to open it up. Commissioner Rivers said, okay. Let me ask you this. Would two weeks for you to go back and to see how much money you can come up with and, as a Commissioner –, I can't speak for my colleagues –, but I will be willing to meet you at the halfway point on whatever you can scavenge out there, I would be willing to do that, but I think if you come to us for assistance, then we need to know our obligation to you or our commitment to you as to what funds we would give you. That would be my position, Mr. Chairman.

Chairman Hair said, okay. Myself and then Commissioner McMasters and Commissioner Kicklighter. I'm going to support the motion. I agree with Commissioner Kicklighter. I think this is the right thing to do. I don't think we have any legal obligation to do it. I think that's very clear, but I do think that since I've been on the Commission, the six years I've been here, we've always had a good relationship with the cities, and I think that's important to have good relationships with the cities. I think that pays dividends in both directions, and I think that we should support this. I am very concerned, however, of the attitude of the City of Pooler on this issue, and I know you –, Mayor, you don't have anything to do with Pooler, and I totally understand that, but am I correct in assuming that if you keep the bridge closed that there is no access to the Pooler residents' property through another road, or is it just more convenient to go down this road? Mayor Rozier said, Wild Cat Dam Road is –, it goes all the way from Highway 80 to Pine Barren Road, and the people that live there, Mr. Young, he lives in the middle, and he told us that the road –, and I personally have not gone down it –, but he told me and he's told my street councilman that the road is impassable to Pine Barren Road. Chairman Hair said, so really there is a road, but it's not a desirable road or –. Mayor Rozier said, there is a road, but it's not desirable and it's not –, it's not passable. It's not open. It's on private property. Chairman Hair asked, does the road extend into Pooler city limits? Mayor Rozier said, yes, sir, it does. Chairman Hair asked, are they maintaining –, is the City of Pooler maintaining the road, that portion of the road that's inside the city limits of Pooler? Mayor Rozier said, I don't –. Mr. Gerard said, I think Wild Cat Dam Road is all within Bloomingdale. Mayor Rozier said, it's a boundary. Chairman Hair said, okay, so there's no –, okay. Well, as I said, I think I'm going to support this motion. I do think that we should assist the City and I will support the motion, but I –, it does concern me the attitude that Pooler has on this issue, and we'll –, I may address that to the Mayor. Let's stay in order, Commissioner McMasters and then Commissioner Kicklighter and then Commissioner Rivers.

Commissioner McMasters said, thank you, Mr. Chairman. Does Bloomingdale have a millage property tax? Mayor Rozier said, no, sir. Commissioner McMasters asked, so you fund yourself mostly from LOST? Mayor Rozier said, yes, sir. Commissioner McMasters asked, did you –, just completed a fairly –, satisfactorily? Satisfactorily on LOST? Mayor Rozier said, other than the jail charge. Other than the jail charge, yes, sir. Commissioner McMasters said, well, you know our position on that. We think we're still covering, you know, our third year of costs there. Mayor Rozier said, I understand. Commissioner McMasters said, so –, I think that we're being a little too generous here, and I would support a motion that would match funding from all the parties here, and the fact, as the Chairman pointed out, that

Pooler is reluctant to do anything is a little out of line. So, I can't support the motion the way it's configured, but if it –, if it was configured so that Pooler participated, Bloomingdale participated, you can toss out the Morgans and just make this a government issue, the three of us can do business here equally, but not until Pooler participates.

Chairman Hair said, Commissioner Kicklighter and then Commissioner Rivers.

Commissioner Kicklighter said, thank you, Mr. Chairman. I want to just remind this Board that we are the same Board that paid \$115,000 for a revolving door at a swimming pool and, you know, all I'm asking this group to do is assist them up to \$10,000 to repair a decaying, dangerous bridge. You know, there's just some things that blows my mind about this –, about us as a group. \$115,000 for a door at a swimming pool, and we're haggling over \$10,000 to assist this City in repairing their bridge. Priorities, priorities, priorities. One thing I would be happy to amend my motion is what Commissioner Gellatly suggested, is to charge the cost with Bloomingdale up to the County paying no more than \$10,000, but share equally. So, is that how you stated it?

Commissioner Gellatly said, I just wanted to make sure that if we were to, say, we pay \$10,000 that you don't go out and fix it for \$10,000, so I think it needs to be stated that we would pay half up to \$20,000.

Chairman Hair asked, do you want to modify your motion to that? Commissioner Rivers said, Mr. Chairman. Chairman Hair said, well, let's see if he will modify his motion. Will you –? Commissioner Kicklighter said, yes, I'll amend my motion. Chairman Hair asked, the second modify –? Commissioner Odell said, yes, I'll second that. Chairman Hair said, all right. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, I think that sort of falls in line with what I suggested, and Dean [Kicklighter] said \$10,000. I was willing to give 10,000 as a share because they came up asking for a share, so if that's the amendment –. Chairman Hair said, it's half the cost up to \$10,000. That's the motion and the second.

Commissioner Kicklighter said, I call for the question.

Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Murray and Thomas were not present.] Chairman Hair said, the motion passes. Thank you.

Mayor Rozier said, thank you very much. Chairman Hair said, thank you, Mayor. We appreciate you being here. Thank you, Mr. Gerard.

ACTION OF THE BOARD:

Commissioner Kicklighter moved that the County assist the City of Bloomingdale for repairs to the Wild Cat Dam Bridge by sharing in half the cost up to \$10,000 to come from Special Service District Contingency. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rivers, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Murray and Thomas were not present.]

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3. LAND DISTURBING PERMIT, WAL-MART SITE (COMMISSIONER MCMASTERS).

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. I had some concern about the issuance of this permit inasmuch as we were actively exercising and operating under our rights under 11.3 County Ordinance, and I appreciate the County Attorney's legal opinion that the permit may have been issued legally and it may have been issued illegally. So I'm not –, I'm not asking or suggesting that this permit be stayed or revoked, but I would like an understanding that no further permitting of any kind go forward by the County departments until such time as the entire 11.3 issue is resolved. Chairman Hair asked, can I ask you a question –? Commissioner McMasters said, sure. Chairman Hair said, – just to make sure I understand what you're asking. Are you suggesting that even if a petitioner met all of the legal requirements to the letter, that we not issue something that's within the law? Is that what you're suggesting? Commissioner McMasters said, I think the County Attorney gave us the position here that this –, if you're referring to this specific situation, Dr. Hair, or are you referring to a –? Chairman Hair said, if you say no future permits, my concern is that we're putting staff in a terrible position because if a petitioner were to go to wherever they go to petition, and they meet the criteria for whatever permit they would be applying for, I just want to make sure I understand what you're asking for. Hopefully you're not asking that the staff be directed not to issue a legal permit if they meet all the requirements. That's not what you're asking, is it? Commissioner McMasters said, in this specific –, let's make this project specific. Chairman Hair said, okay. Commissioner McMasters said, there has been a clear consensus to consider a rezoning of this property. We are exercising our authority under 11.3 and my point to [inaudible] all Commissioners is that if we don't stay any further permitting applications, we are indirectly increasing the vested rights argument of the applicant to the detriment of the community. So I think it would be prudent, I think it would be reasonable, I think it would not at all be out of line in this particular matter to instruct staff –, yes, instruct staff to issue no further permits until such time –, and we're talking about a relatively short period of time here, Dr. Hair, probably the 25th [sic] at our next meeting –, so that a fair outcome to 11.3 can be achieved.

Chairman Hair said, I'm not even sure we could –, I guess we've got to have some help from the lawyer. I'm not even sure that we could –, that the Commission, we're a policy-making body –, I don't know how we can go to individual staff and direct the staff –, we could direct Mr. Abolt to do something. He works for us, but I don't know that we could direct his subordinates to do something that would violate the law.

Mr. Phillip McCorkle asked, may I speak to that, Mr. Chairman? Chairman Hair said, yes, sir. Mr. McCorkle said, thank you. My name is Phillip McCorkle and I represent the owners of the land that Mr. McMasters seems to think he owns, and –. Commissioner McMasters said, I think that was out of line. Commissioner Rayno said, yeah, that's uncalled for. Mr. McCorkle said, no, it's not out of line and the rest of what I'm going to say is not out of line either, Mr. McMasters. Commissioner McMasters said, well, then go for it. Mr. McCorkle said, I've known most of you for a period of time, some up to 12 years or even longer. I don't know you personally really, but I've appeared before you a number of times and I've been impressed with all the Commission members through the years. I've been impressed with their desire to follow the rule of law and to act with integrity under the rule of law, and I still think that most members of this Commission have that desire, but not all, and I want you to understand that if you let Mr. McMasters drag you down this path of violating the law, then you have no immunity from your actions. You generally have sovereign immunity for your actions if you operate in good faith, but the law is clear there are a number of instances where you waive that immunity and, frankly, waive your right to participate in any discussion or vote on an issue. Some of those instances are, and I'm quoting from the cases, bad faith and acting outside the scope of your official duties, acting under color of authority and beyond the scope of official power, acting in a malicious way with the intent to injure the party of another, and I'm going to go over a litany of things. A lot has happened in the last six weeks and I want this put in the record because I'm going to –, it's a warning to you. It's not a threat, it's the facts. My clients are no longer going to sit around, Mr. McMasters, and let you bring Commissioner's items up here every two weeks and not do anything about it. Now you enacted a zoning ordinance. In the zoning ordinance you set out rules for how site plans are approved. In the zoning ordinance you gave the Metropolitan Planning Commission the right to approve site plans. You did not retain that right for yourself. My clients submitted an application properly for site plan approval, went before the MPC on September 17th. At that time, unfortunately, you –, and, most unfortunately, you presented a letter dated that same day signed by seven of these Commissioners, who together asked, outside of their authority, "we respectfully request that the Metropolitan Planning Commission postpone making a decision today regarding the 52-acre tract located on Montgomery Crossroads." You had no –, had no real reason to do that. You had no ability to do that, and immediately the Planning Commission postponed it for 30 days, which in fact injured my client. Time is money in my client's business. You've already injured my client on that day. You acted under color of authority. The MPC had a letter from seven Commission members in a matter where the Commission had no dog in the fight. You acted under color of authority and beyond the scope of your official powers, and I really regret that the other Commission members were convinced or led into that action by you. On October 15th you repeated your performance. That's the famous day when you said this is what I think of the County Attorney's legal opinion, and you folded it up and stuck it in your pocket. On that day you asked the MPC again to delay or deny the application for the general development plan. The problem was my client had met all the requirements. They had followed the law. The MPC voted unanimously to accept the site plan, and they approved the site plan. On that day you showed bad faith and the fact that you were operating outside the scope of your official duties. Thankfully, the other Commissioners did not join you on that occasion. Another thing that you're doing constantly, Mr. McMasters, which I think violates all sense of propriety –, I know you're not from the South, you're from California or somewhere like that –, but every two weeks bringing Commissioner's items up –.

Commissioner Rayno said, point of order. You're out of line. Point of order. McCorkle said, no, it is not. I'm going to have my say, Mr. Rayno. Commissioner Rayno said, I ask that you tell him not to –. Chairman Hair said, Mr. McCorkle, I will ask you just to keep it to the facts and not make it personal. Mr. McCorkle said, the facts. Chairman Hair said, okay.

Mr. McCorkle said, every two weeks of the last six weeks we've had Commissioners' items and the most egregious was two weeks ago when you hid the true intent of your Commissioner's item, did not have the decency to notify my clients, who own the property, or me, who represents them, and then convinced this Commission to look into down-zoning my client's property without any notice to my client whatsoever. I believe, frankly, that violates the law. I know it's uncon–, it's improper, unfair, it violates any sense of propriety, and I don't understand why the Commissioners continue to go along with your activities. You have brought this community to the brink of a moratorium that we certainly do not need. The purpose of the request for a moratorium was clearly to damage my client. You've tried to dress it up and talk about Southeast Land Use Plan and other things, but frankly everything is on TV now, Mr. McMasters, and your activities are recorded both at the MPC and the County Commission levels, so what you did was clearly designed to injure my client. Again, bad faith, operating outside the scope of your authority. You have, since the approval by the MPC, consistently contacted members of the MPC staff, the County Commission staff. You have interfered with them in the carrying out of their duties. You have asked them to delay or not issue permits. You continue to do that today. You have demanded that applications that are rightfully –, should rightfully be issued be turned down. All of these acts are considered bad faith and are outside the scope of your official duties. Two weeks ago, again without me being notified or my clients being notified, you made –, you brought up, supposedly to hear from a Mr. Luten, who could not be here and another lady spoke, and then immediately you decided you wanted to make a motion to down-zone my clients' property. It was seconded by Mr. Rayno here. Finally, the Commission did have the good sense to say you can't down-zone property by a motion like that, but then you did convince the Commission to go along with you and send this matter back to the staff for study so that you could rezone it, and you made the express purpose –, your express purpose was to rezone the property to the –, where it would have been rezoned in 1989 if the staff recommendation had been followed. So your intention is clear. Again, this is a bad faith attempt to down-zone my clients' property with malicious intent to injure their property for which you will not be immune.

Mr. McCorkle said, since October 25th, which was the meeting –, last meeting, you have sent a letter to the County Manager. It says, "I believe that we should –, it would be reasonable to inform all departments which may be part of

any future permitting process that nothing should be granted until such time that the matter is clearly resolved by action of the County Commission." That is doing what the Chairman is asking you about. You're attempting to interfere with the carrying out of the duties of people that you have put in the position to carry out duties. You put another item on the agenda today where you want to now go over the traffic analysis that was made during the general development plan process where, again, this Commission has enacted law that requires the MPC to consider the traffic analysis and traffic issues at the time of the approval of the site plan in conjunction with the analysis by the County Traffic Engineer, and now you apparently, from what I could tell from your Commissioner's items, which are obtuse, want to go back through the traffic issue after that has been decided by the MPC. I hope that what you put in your letter is not true. It says, "I have received this --, reviewed this with a majority of the Commissioners and they are in agreement." So, in your letter to Mr. Abolt you're saying that you've talked with a majority of the Commissioners and a majority of the Commissioners don't want lawfully acquired permits to be issued, that the majority of the Commissioners want permitting to be held up until you can down-zone my clients' property. That --, I hope there is no such conspiracy to commit an act like that, and I hope this Commission will not do that today. As a matter of fact, I would like this Commission today to undo what they did last --, two weeks ago when I was not informed and not given a chance to speak my mind. I'll ask you, Mr. McMasters, to recuse yourself from any discussion on my clients' 52 acres on this Commissioner's item or any Commissioner's item, any other matter. You've shown your malignancy of heart in this matter, you've shown your bad faith, you've shown your maliciousness, and you're not to discuss it in any way. I urge the Board to reverse this decision. If not, then this Board, the taxpayers and individual members of this Board are going to end up in expensive litigation when there is no reason for it. There is no reason for it. You stand --, you sit here and you say, well, we know you're vested, but, you know, so we're going to do a moratorium and that's not stopping you because you're vested, and then you say, well, we're going to down-zone the property, but you're vested, and we understand all that, but your actions say otherwise, and your clear intent from what you said today, Mr. McMasters, was to hold up permitting that is right--, should rightfully be issued, and you want --, you want to instruct apparently the Traffic Engineer or the County Engineer to hold up a permit he has no ability to hold up. You'll get him sued. Doing such things is outside of the scope of your authority. You have no authority to instruct the County Manager or the County Engineer to not issue a permit that should rightfully be issued. I'm perplexed as to why this is going on. These people that have been fighting the Walmart and the development of the entire 52 acres, they have a tough opponent. This crowd, this small crowd of anti-growth people are very tough, very diligent. They are so diligent that they did their best to convince Walmart to leave this site. They called Walmart --, the upper echelon of Walmart, and Walmart said, you know, we've got to look at that site to see whether that's something that community really wants or whether we're going to build something that we shouldn't build. So Walmart hired an independent surveying company who came up with a professional list of questions and called 300 people in the 31406 area code. Of the 300 people, 62% said they want the Walmart there, they're not against it, they're for it; 77% of the African-Americans said they want the Walmart there, they're for it. We asked that specific question because there had --, a constant accusation that we were trying to do something to the Sandfly community, an historic African-American community, and it's not true. As a matter of fact, 77% of the African-Americans in the 31406 area code are for the Walmart. They asked, do you consider yourself a resident of Sandfly, and 75 people out of the 300, which is 25%, said yes I do. Out of that 75, 65% said we want the Walmart. I did my own poll --, my clients did their own poll two months ago. We came up with 68% of the people in the immediate vicinity. This is not a issue near and dear to the hearts of the people in Sandfly or in that area of the County. It is an issue near and dear to the heart of the anti-growth people in the County. So I don't understand why this Commission is letting you lead them down that path, and I would ask that they stop doing that and reverse the action that was taken two weeks ago. My clients are vested. They've got the right to develop their property. Walmart is not going to be run off. I know that's what you tried to do. They're not going anywhere. Their representatives are here today. Based upon the poll, based upon the excellence of that location for this Walmart, they're going to stick through this to the end. Your actions individually are in bad faith and malicious. They have consequences. The Board on a couple of occasions has joined in with you and as a group acted outside the scope of their authority. I would hope the Board would undo what it's done, and there's no reason for this to continue. My clients bought this property 13 years ago. When they bought it, they had it rezoned before they closed. The previous Commission, knowing it was going to be a 350,000 square foot shopping center, voted to rezone this property. Thirteen years have gone by, the roads have been built. It is time now for the development to continue that was voted on. There's no reason for this to continue. I would ask that today you put a stop to it.

Commissioner Rayno said, point of order. I'd ask that --, I make a motion that we go into Executive Session to discuss legal liability issues surrounding this issue. Chairman Hair asked, does that motion have a second? Commissioner Gellatly said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Commissioners Rayno, Rivers, McMasters, Odell and Gellatly voted in favor of the motion. Chairman Hair and Commissioner Kicklighter voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Murray and Thomas were not present.] Chairman Hair said, the motion passes.

NOTE: The meeting of the County Commission was recessed at 11:00 a.m., to go into Executive Session for the purpose of discussing legal liability issues. The meeting of the County Commission was reconvened at 11:35 a.m.

Commissioner Rayno made a motion to go back into Executive Session for the purpose of discussing personnel. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.]

NOTE: The meeting of the County Commission was recessed at 11:36 a.m., to go back into Executive Session for the purpose of discussing personnel. The meeting of the County Commission was reconvened at 12:00 Noon.

Chairman Hair said, I'll call on Commissioner McMasters.

Commissioner McMasters said, the –, I may be from California, but he put a new spin on litigiousness. Nonetheless, the County Attorney has advised us that it’s in our best interest not to instruct staff on any permitting processes to your property and I’ve acquiesced to that. It was not my intention to, as I said, to stay or withdraw the existing permits that were issued, but with regard to future permitting I’ll withdraw that motion.

ACTION OF THE BOARD:

Commissioner McMasters requested that no further permitting of any kind go forward by the County departments until such time as the entire 11.3 issue is resolved. Following consultation with the County Attorney in Executive Session, Commissioner McMasters withdrew his request.

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4. LEE MEYER REGARDING COUNTY TRAFFIC STUDIES: 1) 52-ACRE TRACT ON MONTGOMERY CROSSROADS; 2) TRAFFIC STUDIES IN GENERAL (COMMISSIONER MCMASTERS).

Commissioner McMasters made a motion to table to our next meeting Item 4 with the County traffic studies relative to the subject in general and the 52-acre –. Chairman Hair said, we have a motion to table. Do we have a second? Commissioner Rayno said, second.

Chairman Hair said, all those in favor of the table vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner McMasters moved to table to the next meeting the item regarding County traffic studies on (1) a 52-acre tract on Montgomery Crossroads and (2) traffic studies in general. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.]

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ZONING UNDER SECTION 11.3

Chairman Hair said, I’ll call on Commissioner Kicklighter for a motion.

Commissioner Kicklighter said, Mr. Chairman, I’d like to make a motion to discontinue the 11.3 zoning request and leave the zone as is in the Sandfly area. Chairman Hair asked, do I have a second to that motion. Commissioner Odell said, second. Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Murray and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to discontinue the Board’s request made under 11.3 to refer the Sandfly/Walmart property back to the Metropolitan Planning Commission for an appropriate zoning change, and to leave the zone as it is in the Sandfly area. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rivers, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Murray and Thomas were not present.]

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ORDER OF BUSINESS

Without objection, the Second Reading was moved up and was heard at this point on the agenda.

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CHATHAM AREA TRANSIT AUTHORITY

The Board recessed as the County Commission at 12:03 p.m., and reconvened as the Chatham Area Transit Authority.

The Chatham Area Transit Authority was adjourned and the Board reconvened as the County Commission at 12:32 p.m.

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VIII. TABLED/POSTPONED ITEMS

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

1. REQUEST FROM THE ENGINEER FOR THE DEVELOPER, INTERNATIONAL PAPER REALTY, TO RECORD THE SUBDIVISION PLAT AND RECREATION AREA, ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE AND WAIVE THE REQUIREMENT FOR A STREETLIGHTING DISTRICT FOR BERWICK PLANTATION, TRACTS G-1, G-2, H-1, H-2.

[DISTRICT 7.]

Tabled at meeting of October 25, 2002. Developer is requested to attend meeting of November 8, 2002. Mr. Bill Dempsey will be in attendance. Copy of unsigned letter from Mr. Dempsey is attached.

Chairman Hair said, I'll entertain a motion to take that off the table. Commissioner McMasters said, so moved. Commissioner Odell said, second. Chairman Hair said, all those in favor of taking it off the table vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Murray, Kicklighter and Thomas were not present.] Chairman Hair said, the motion passes.

Chairman Hair said, Mr. Dempsey –, is Mr. Dempsey here? Does anybody have any questions. I think we tabled it to get some –. Commissioner McMasters said, I do. Chairman Hair said, Commissioner McMasters has a question.

Chairman Hair recognized Commissioner McMasters.

Mr. Bill Dempsey said, my name is Bill Dempsey. I'm the Director of Land Planning for [inaudible]. Chairman Hair said, thank you, sir. We appreciate you being here.

Commissioner McMasters said, Mr. Dempsey, in your earlier of this Berwick development, did you ask for these waivers of the streetlighting district? Mr. Dempsey said, not in those terms. We explained what we were doing and were granted the waivers. We didn't know that there was a waiver process that you requested, but we were not subject to the assessment district based on our applications in the first few phases. Commissioner McMasters asked, so this phase is somehow different than the earlier phases? Mr. Dempsey said, no, it's not. It was just –, it was caught. Commissioner McMasters asked, it was what? Mr. Dempsey said, it was caught this time as something that was not requested formally as a waiver of assessment. Commissioner McMasters asked, well, how is it that it went through the earlier times not –, and was not caught? Maybe that's a question for staff? Mr. Dempsey said, yeah, it was explained and it was understood that we were paying the power company for the lights in a different way. It was not –, we're not trying to bypass paying the light bill. It's just set up through us and the property owner's association in an organized way that was different than the assessment. Commissioner McMasters asked, well, then what prompted you to do it correctly this time? Mr. Dempsey said, we did not, we just got a letter. I think one of y'all brought it up that it was not –, there was not a request for relief from the assessment district. We did not apply for it. Commissioner McMasters asked, Mr. Bungard, did you want to add something to this?

County Engineer Al Bungard said, yes. During the planned development process and negotiations –, or the review of the plans with Branigar, it was my understanding that they wanted the waiver for the streetlight assessment district because if you put in all the streetlights now down the boulevard and then you would establish the assessment for those lights to the few homeowners that are there now, their assessments would be out of sight. So Branigar would foot the bill for the initial installation of the lights and pay the fee to Savannah Electric, then when there were enough residents in there, they would set up for maintenance and operation of those lights through the homeowner's or subsequently could be even converted to a streetlight assessment district later on. This was supposed to be an interim measure.

Commissioner McMasters said, okay. Who's going to make the assessment as to when this should occur? I mean, there's obviously some construction of homes going to go along without lighting, people are going to buy those homes, occupy those homes. I don't think they're going to wait for all phases to be finished. So what –, will you determine it? Will you –. County Engineer Bungard said, no. Commissioner McMasters asked, – the applicant determine it? What's the process? County Engineer Bungard said, yes, sir. IP is now footing the bill. It's their –, for them to get out of paying the bills. They will come in and say, okay, we don't want to foot the bills anymore for all these streetlights; we now want to transfer the cost of those streetlights either to the homeowners or to pay for it by way of an assessment district. This is not uncommon where we recombine. At some point, for instance, this could be combined even with the Southbridge Assessment District. As communities grow, we recombine things.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, I believe Branigar has a pretty good record of developing pretty nice subdivisions, and I think they do a fine job. I appreciate all the work out on the Westside and out on the Islands and everything, and I trust that what they're doing is in the best interest of the residents in their subdivision, and I'll make a motion that we approve this. 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: Commissioners Murray and Thomas were not present.] Chairman Hair said, the motion passes. Thank you. We appreciate you being here, Mr. Dempsey.

ACTION OF THE BOARD:

1. Commissioner McMasters moved to take this item off the table and place it before the Commissioners for consideration. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Murray, Kicklighter and Thomas were not present.]
2. Commissioner Kicklighter moved to approve the request from the engineer for the developer, International Paper Realty, to record the subdivision plat and recreation area, accept the subdivision agreement and financial guarantee and waive the requirement for a streetlighting district for Berwick Plantation, Tracts G-1, G-2, H-1 and H-2. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.]

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IX. ITEMS FOR INDIVIDUAL ACTION

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

1. **REQUEST BOARD APPROVE THE FOLLOWING: A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$22,500 TO REPLACE A VEHICLE FOR THE SHERIFF'S DEPARTMENT, A TRANSFER OF \$40,000 FROM THE COUNTY ATTORNEY BUDGET TO THE BOARD OF ASSESSORS FOR LEGAL SERVICES, AN AMENDMENT TO THE MULTIPLE GRANT FUND BUDGET TO ACCEPT A WEED AND SEED GRANT TO THE COUNTER NARCOTICS TEAM OF \$14,590, AN AMENDMENT TO THE CAPITAL IMPROVEMENTS PROGRAM BUDGET TO RECOGNIZE \$50,000 TRANSFER FROM THE GENERAL FUND M&O RESERVE FOR DEDUCTIBLE FOR REPLACING THE REVOLVING DOOR AT THE AQUATIC CENTER, AND A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$15,000 TO RECORDS MANAGEMENT.**

Chairman Hair said, I'll entertain a motion to approve. Commissioner Rayno said, Mr. Chair, I would make a motion to approve with the exception of taking out the \$40,000 from the County Attorney budget to the Board of Assessors and also the General Fund M&O Contingency transfer of \$15,000 to Records Management. Chairman Hair said, all right, we'll do those separately. Commissioner Kicklighter said, and also I'd like to pull the revolving door out. Chairman Hair said, I'm sure you would. All right, so we'll have to do those separate. Okay, I'll entertain a motion to approve the balance of the item. Commissioner Rivers 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: Commissioners Murray and Thomas were not present.]

Chairman Hair said, we'll take the parts individually. I'll entertain a motion to approve a transfer of \$40,000 from the County Attorney budget to the Board of Assessors for legal services. Commissioner Rayno said, I'd like to talk about that first. Chairman Hair said, well, let's get a motion on the floor. Commissioner Rayno said, well, let's talk about it before we make a motion because at the last meeting we agreed to send \$65,000 over, not \$40,000 over, and it's in the minutes. Chairman Hair said, well, talk. Talk. You have the floor.

Commissioner Rayno said, well, I'm talking. Why is it \$40,000 and not \$65,000 as we directed at the last meeting? County Manager Abolt said, well, according to Mr. Hart, the \$65,000 was kind of off the top of the head, I believe, from Mr. Hart. There was no verification of the exact amount. Commissioner McMasters said, that was already studied. County Attorney Hart said, my understanding was that the request of \$65,000, if y'all choose to send \$65,000, that's up to y'all, but we figured since it was in the middle of the budget year, we were assuming that the \$65,000 was for an annualized basis and that some of the money we'd already provided services for so that \$40,000 based on where we were in the budget year ought to equate to the remainder of the year. If this Commission wants to send \$65,000 over there, it's up to y'all.

Chairman Hair said, it makes a lot more sense to send 40, and if they need more, they'll come to us for more. If you send it all over there, they're going to spend it all. Commissioner Rayno said, well, I'm concerned because there's a firm taking money out of your professional management account that's already got \$30,000 this year and it seems to be going pretty quick out the door and I'd like to give it to them at 65 like we directed you to do. Chairman Hair said, even though they may not need it?

County Attorney Hart said, first of all, I want to say this. I don't even know how to do a budget request, okay. So when y'all said 65, as far as what number gets sent over there, that's up to you guys. I don't care, and my understanding is that the 40 was sent over there because the budget director said we were in the middle of the year and that was a pro rata share. If y'all change the 65 –.

Commissioner Odell said, I thought it was a pro rata share also. 65 for the year, that was my vote.

Chairman Hair said, I don't know. Why is this an issue? I don't know why this is a big issue. We still can give 65 if they need it. They might need 85. Commissioner Rayno said, you're making the assumption they're going to spend it. He's already spent 30,000. Chairman Hair asked, what's wrong with giving them 40 now and 25 later? What's the big deal about that? I don't understand it.

Commissioner McMasters asked, can I clear this up maybe a little bit? Chairman Hair said, I certainly would appreciate somebody doing it. Commissioner McMasters said, okay. The conversation the last meeting, which centered around Mr. Vestal's testimony here, was that he had a complete unanimous consensus from his board to retain different counsel. That is, the County Attorney's schedule was such that it was difficult and this, that and the other thing, and we –, we agreed that the eight or nine attorneys worked out to 65,000. Mr. Hart volunteered that that wasn't all that possibly ought to be shifted over there, and he identified his costs and Ms. Garrard's costs and additional office costs. So if we're going to do this properly, I think the pro rata amount is correct, but I think there's some additional calculations that the County Attorney welcomed that needs to be done, so –.

Chairman Hair said, it seems to me we've got the cart ahead of the horse anyway. Why don't we –, why didn't we get a requested budget from them what they need and then we would fund that? If we give them the money, we don't even know what they're going to spend it for. County Attorney Hart said, we were just trying to carry out what I thought was the intent. Chairman Hair asked, why don't we –, why don't they submit a detailed budget to us for legal fees and then let's approve that.

Commissioner McMasters said, Mr. Chairman, I think –, I can't speak for the Board of Assessors, but I can hypothesize that they would probably agree with you; however, they would probably ask for some base number that is currently allocated to them within the County Attorney's budget and then they could determine if that was adequate and make a request for more if it was not. So could we not come up with the total picture, as the County Attorney suggested, as to what is spent total, not just the outside attorneys, but Mr. Hart's costs, Ms. Garrard's costs, and staff costs so that they can then come back to us –.

Chairman Hair said, but, see, that's assuming that the past costs are going to be the same as future costs. It would be better for them to sit down and think about what they're going to need and make a request to us for what they need, and then we'd fund it for them. Commissioner Rayno asked, well, are you suggesting then that whatever –, if their request is reasonable, that we'll just take it right out of Mr. Hart's budget and move it over? Chairman Hair said, I think that we –, I think we should vote on it. I think we have to transfer it legally. We've got to do the legal transfer. We just can't just take it out of his budget.

Commissioner Rayno said, there was a unanimous consent at the last meeting to send \$65,000 over. Commissioner Odell asked, yeah, but, Jeff [Rayno], was that a year though? I thought it was a year, for a period of 12 months, and we're half –, almost half way through our budget. Do they need the –. Chairman Hair said, we don't know what they need because they've never made the request to us. We don't know what they need. We just give them money. Commissioner Odell said, I'll give you my vote, let's send them the 40; if they need some more, they can come back and we'll give them some more money.

Commissioner Rayno said, I make a motion to give them \$40,000. Chairman Hair asked, second. Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.] Chairman Hair said, the motion passes.

Chairman Hair said, I'll entertain a motion to approve the \$50,000 transfer from the General Fund M&O Reserve for Deductible for replacing the revolving door at the Aquatic Center. Commissioner Odell said, I'll move for approval. Chairman Hair asked, second? Commissioner Rivers said, second.

County Manager Abolt said, just to explain it. You've already spent the money. This is an accounting trend. Commissioner Kicklighter said, you don't need to explain, I'm not talking about it. I just –.

Chairman Hair said, motion and second. All those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, McMasters, Odell and Gellatly voted in favor of the motion. Commissioner Rayno and Kicklighter voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Murray and Thomas were not present.] Commissioner Odell said, let the record reflect that Mr. Kicklighter voted against the revolving door. Chairman Hair said, I've got a feeling we're going to hear that again somewhere down the road. Talk about putting something in the record.

Chairman Hair said, all right, the last item is a General Fund M&O Contingency transfer of \$15,000 to Records Management. I'll entertain a motion to approve.

Commissioner Rivers said, so moved. Chairman Hair asked, second? Commissioner Odell said, I'll second it. Chairman Hair asked, anybody want to –?

Commissioner Rayno said, I pulled it. I just want to hear Mr. Leonard why you need that.

Mr. Lewis Leonard said, Mr. Chairman, members of the Board, you know, Records Management Section of Administrative Services has basically insufficient staff to handle the records requests coming out of the courts and specifically Superior Court. Right now the staff level down there has never been increased as judges were increased and law clerks and secretaries and staff in the Superior Court Clerk's office, Records Management stayed the same. We're at the point now where their ability to deal with the requests for records is like drinking from a fire hose, and we need to address that in the budget with additional staff or change what we're doing for the courts. In other words, I can get into –, I can go long-winded, but I won't.

Commissioner Odell said, I move for approval. [NOTE: A motion was already on the floor to approve.]

Commissioner Rayno said, questions please. I thought we moved to electronic document imaging. Why doesn't that make the [inaudible] easier? Mr. Leonard said, it will eventually, but right now the Superior Court Clerk is imaging the most frequently accessed records, which are the domestic cases, usually divorces, and that will –, that will make a dent in the future, but right now we're six months behind on inter-filing; that is, new motions that have been made and filed and sent down to be put into the folder with the case. This is a critical problem. We're three –, about three weeks behind in returning cases to the files. When a judge now calls for a case and it's delivered, there's a good chance that he inter-filing, in other words, current motions, are not in the file, and the judge has called for this with a full court and attorneys and plaintiffs and jurors and all of that. This –, we feel like that overtime will at least keep us even for the rest of the year until such time as you can consider whether we want to add additional staff to that function in the budget process. Commissioner Rayno asked, in your professional opinion, you said in the future it will help with the electronic document imaging –. Mr. Leonard said, yes. Commissioner Rayno asked, how far in the future, as an estimate, in your professional –. Mr. Leonard said, it may be –, the –, many of the officials say that they don't have the staff to image everything as it comes in, and until we can get the courts to image the cases as they hit the door, we're going to have to deal with these active cases on a paper basis, but right now you probably are aware that we have three different locations for the staff to deal with. They're dealing in the basement of the courthouse, we've got the old jail full of records sitting on pallets and boxes, and we have a warehouse out on Sallie Mood with records in it, less frequently used records. So we're not in a good position to effectively use the productive capacity of the staff we currently have.

Commissioner Rayno said, some of those documents that are non-classified or can be viewable by just anybody, is it possible you could start an internship program with, say, a document person from SCAD or maybe another organization that can help you catch up on the documenting process? Mr. Leonard said, some of the constitutional offices –, officers have said that they won't countenance anyone imaging their documents but employees under their control for quality control purposes. So –. Commissioner Rayno asked, so that pertains to each and every document that you'd like to see –? Mr. Leonard said, we'd like to see everything imaged, yes, and backed up and –. Commissioner Rayno asked, but would they [inaudible] part of their documents that don't fall under that purview or –? Mr. Leonard asked, I'm sorry? Commissioner Rayno asked, are there documents that somebody could do that to save the County money?

Commissioner Odell said, I doubt it. Commissioner Rayno asked, you doubt it? Commissioner Odell said, you can't say, but if it's part of the record, then it's a legal document, it's mandated to maintain. Now, to go out and get kiddies or volunteers to do that, I think the cost of an error could be catastrophic. I don't see anybody doing that other than an employee –.

Commissioner Rayno said, okay, that's fine. Chairman Hair recognized Commissioner Kicklighter. Commissioner Rayno said, once we –, just one more question. Once we get to the point where you feel that the technology is caught up, would you be willing to get rid of that additional help and just rely on the technology? Mr. Leonard said, sir, there are some –, there's some operational problems. We are the only Records Management Section in the State of Georgia, that we're aware of, of any size where we handle open cases for the Superior Court. In other words, we're an adjunct of the filing capability in the Superior Court Clerk's office. All the rest of the Records Management operations in the State of any size only handle closed cases at –, where the frequency of requests, retrieval and returns are much lower. And if the proposed renovation of the old jail goes ahead and some departments are moved out of the courthouse into the old jail, that might give the Superior Court Clerk the space to operate their own records –, active records section, which would greatly reduce the burden on Records Management.

Commissioner McMasters said, I move that we transfer that responsibility. Mr. Leonard said, well, they have to have the space to do it. Right now they're jammed [inaudible].

Chairman Hair recognized Commissioner Kicklighter. Commissioner Kicklighter said, Mr. Chairman, I call for the question. Chairman Hair said, call for the question. All those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Murray and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

1. Commissioner Rivers moved to approve the following: A General Fund M&O Contingency transfer of \$22,500 to replace a vehicle for the Sheriff's department, and an amendment to the Multiple Grant Fund budget to accept a Weed and Seed Grant to the Counter Narcotics Team of \$14,590. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.]

2. Commissioner Rayno moved to approve a transfer of \$40,000 from the County Attorney budget to the Board of Assessors for legal services. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.]
3. Commissioner Odell moved to approve an amendment to the Capital Improvements Program budget to recognize \$50,000 transfer from the General Fund M&O Reserve for Deductible for replacing the revolving door at the Aquatic Center. Commissioner Rivers seconded the motion. Chairman Hair and Commissioners Rivers, McMasters, Odell and Gellatly voted in favor of the motion. Commissioner Rayno and Kicklighter voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Murray and Thomas were not present.]
4. Commissioner Rivers moved to approve a General Fund M&O Contingency transfer of \$15,000 to Records Management. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rivers, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Murray and Thomas were not present.]

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2. REQUEST BOARD APPROVAL TO BORROW CASH, ON AN AS NEEDED BASIS, FROM THE SPLOST FUNDS SO THAT THE GENERAL FUND CAN ADDRESS SHORT TERM CASH FLOW DEFICIENCIES ARISING OUT OF THE DELAYED PROPERTY TAX BILLING CYCLE. ALSO, TO SEEK THE BOARD'S COMMITMENT TO ADDRESS LONGER TERM CASH FLOW CHALLENGES THAT WILL FACE THE COUNTY IN 2003.

Commissioner Kicklighter said, I make a motion to approve. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote not. Commissioner Rayno said, I have a question. Chairman Hair said, yes, sir.

Commissioner Rayno asked, where in 48-8-111 does it say that we can use this for now. I know we have a Revenue Ordinance that gives us that authority locally, but how does that supercede 48-8-111. County Attorney Hart said, it doesn't supercede. 48-111 [sic] talks about SPLOST and SPLOST proceeds, and it does not say that you cannot borrow on a short-term basis, and we have placed limitations on our ability to borrow on a short-term basis based on not impacting other projects and getting at least the rate of return that those proceeds would receive in, you know, in a general market situation. It is not the best idea in the world to borrow it from SPLOST, but, you know, there is nothing against inter-fund borrowing as long as you're not impacting projects that I'm aware of. Commissioner Rayno asked, does it state anywhere in 48-8-111 that you can borrow money? County Attorney Hart said, no, it does not. Commissioner Rayno said, no, it does not. Is there any other municipality in the State of Georgia that does this? County Attorney Hart said, I do not know the answer to that.

Chairman Hair said, call ACCG. They probably could tell you, Jeff [Rayno]. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, Mr. Hart? County Attorney Hart said, yes, sir. Chairman Hair said, call ACCG. They'll tell you. Commissioner McMasters said, the unfinished SPLOST projects, vis-a-vis, the parks, Runaway Point in my district, Tom Triplett, them not being finished or completed is not a function of what Mr. Rayno was suggesting, it's just the revenue didn't come in as planned? County Manager Abolt said, no. The issue is we have to guarantee it will not impact any project, and we'll do that. Commissioner McMasters said, all right, well, what do --? County Manager Abolt said, Mr. Bungard has assured me that between now and February it will not affect any projects. Commissioner McMasters said, okay. Just on a related subject, what explanation do I give to the constituents in my district when they want to know why their park wasn't finished when they voted for the SPLOST referendum for Runaway Point? What is the answer? Commissioner Rivers said, Russ. Commissioner Odell said, tell them to come to my park.

Commissioner Rivers said, there were allocations for each park within the referendum --. Commissioner McMasters said, I understand that. Commissioner Rivers said, and when that money was used up, that was it. And this year when we did 518 --, 500,000 for Runaway Point Park and we did 500,000 for East Broad Street, we took some of the money from East Broad and put it over there to Runaway Point. When that money was usurped and finished, that was it. Then we're going into another SPLOST to do --, do the phases. County Manager Abolt said, that's correct. Same way --, just like with Triplett.

Commissioner McMasters asked, so we went into funding the Runaway Point Park project knowing that we couldn't complete it? County Manager Abolt said, oh, yes, sir. Just like Triplett Park. You entered into phases of the projects that you knew going into it would not sufficiently be covered by SPLOST, but you did it phase by phase. Otherwise, the price tag for parks alone would have consumed most of the SPLOST. Commissioner McMasters asked, and I --, that's a sound decision? County Manager Abolt said, it's a sound political decision and it's a sound financial decision as long as we understand the limits of your commitment. It also allows us to plan for future growth. Commissioner McMasters said, well, I'll refer the calls to you. County Manager Abolt said, sure. I'd be glad to [inaudible].

Commissioner Rayno said, not everybody has voted on this particular issue, number one --. Chairman Hair asked, everybody voted?

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

Commissioner Rayno said, and, number two, it asks in this item for the Board's commitment to address a longer term cash flow challenges that face the County, and I'd like to suggest that we probably need to have a workshop, and I'd like to invite some people from the ACCG down, revenue specialists like Clint Mueller -. County Manager Abolt said, whatever you'd like to do. We also have Ms. McNabb here with us. We'll do all that you need to bring you to a point of decision. Our only preference would be that you do it after the new year. We would ask you to do it after the audit is complete so that we know exact cash flow. Commissioner Rayno said, I'd really like to set up some conceptual ideas with them prior to that. County Manager Abolt said, what you -. Commissioner Rayno said, which would be like December. County Manager Abolt said, whatever you wish, sir.

Chairman Hair said, why don't we -, I would suggest that we do it like we do most of the other public hearings. Why don't we do it as part, you know, set aside two hours of our regular meeting for a public hearing and do it here. Everybody would be here rather than having a separate meeting.

Commissioner Kicklighter said, I like -, I like Commissioner Rayno's thought on let's not hash out the budget problems. We're -, in this small -, as you said, we're a circus enough without just, you know, because we have to get some ideas out on the table how to solve this problem. I think a workshop setting is much better. Commissioner McMasters said, let's do it like the City of Savannah does it. Commissioner Kicklighter said, yeah. Let's take this one on a peaceful note for once and come back and if -, so if you'll tell a date, it would be great.

Commissioner Rayno said, some time in the second week of December in the afternoon, preferably lunch time.

Chairman Hair asked, why don't you do this -, Mr. Abolt, why don't you -. Commissioner Rivers said, Russ [Abolt], I won't be here the second week in December. Chairman Hair said, - pick a date and then have the Commissioners polled to see if that date's okay. County Manager Abolt said, yes, sir, I'll do that and then if any people beyond what I, at least I've mentioned, you'd like to have invited, we'll invite them. I have a great deal of confidence in A. G. Edwards and Ms. McNabb, but if there are other people obviously, tell us who you want to invite. Commissioner McMasters said, I'll give you a couple of citizen names. County Manager Abolt said, sure, I'd be glad to do it. Just let us know.

Commissioner Kicklighter said, I think we should have it in the conference room in there sitting around with the few people invited in a nice peaceful setting. Commissioner McMasters said, it needs to be a public meeting, Dean [Kicklighter]. Commissioner Kicklighter said, that's good, I mean, it is a public meeting. Chairman Hair said, it has to be a public meeting. There's no -. Commissioner Rayno said, do what the Board of Assessors do, put it in a five-by-eight room.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the request to borrow cash, on an as-needed basis, from the SPLOST funds so that the General Fund can address short-term cash flow deficiencies arising out of the delayed property tax billing cycle. Commissioner Odell seconded the motion. Chairman Hair and Commissioners Rivers, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Murray and Thomas were not present.]

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APPOINTMENT OF ACTING CHAIRMAN

Chairman Hair said, on Item 3, Commissioner Rivers, I'm going to have to go to another meeting. In the absence of the Vice Chairman and Chairman Pro Tem, I'm going to appoint Commissioner Rivers as Acting Chairman to complete the meeting. Number 3 is the next item.

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IX. ITEMS FOR INDIVIDUAL ACTION (Continued)

3. REQUEST BOARD SCHEDULE A WORKSHOP FOR DECEMBER 12, 2002, WITH MUNICIPALITIES ON SPLOST VOTE.

Commissioner Kicklighter said, I make a motion to approve. Acting Chairman Rivers asked, can I get a second? Commissioner Odell said, second.

Commissioner Rayno asked, can we agree on the time. That's set for ten in the morning. Could we do it at lunch time? Commissioner Odell said, I'd like to see it done at lunch, too. Commissioner Kicklighter said, he wants to -.

County Manager Abolt said, we're having --, not schedule any conflicts. There's a little competition on that date. You'll be receiving an invitation shortly. That's our employee recognition afternoon at the Civic Center, and many of you wish and have in the past attended that session.

Acting Chairman Rivers said, okay, can we --, can we --, how soon do we have to have this date, Russ [Abolt]? Can we get this date settled out by the next meeting? We have three people absent. County Manager Abolt said, we've got cities, too, you've got to concern yourselves with, too. I don't want to assume anything, but the longer one waits to make at least the time, the higher the likelihood for cities saying they wouldn't be there. Acting Chairman Rivers said, okay, let me say this. Does that conflict with the City of Savannah's schedule to be at National League of Cities? County Manager Abolt said, I'll have to ask Mr. Bungard, if he's in the audience. They did contact each municipality to, in effect, block any period of time when it would not be feasible. I don't believe NLC meets that late in December. County Engineer Bungard said, we checked with every clerk, Chamber of Commerce, City of Savannah, if there were any conflicts, and they said no, but I'm not aware of this other meeting, so --. Acting Chairman Rivers said, okay. I know they meet and it's either the 6th through the --. County Manager Abolt said, in my other life years ago --. County Engineer Bungard said, we just know there's no conflict. County Manager Abolt said, in my other life years ago, NLC used to meet right after Thanksgiving, but they're usually done before the second week in December in the past. Acting Chairman Rivers said, okay, okay.

Commissioner Rayno asked, so the time? Commissioner Kicklighter asked, so are we keeping it at ten that morning then? Commissioner Rayno asked, you're going to be in court, aren't you, Harris [Odell]? Commissioner Odell said, not so much that I have to be in court, but I'd like to have things of this nature placed near lunch as possible, but I'd also like to go to employee's --. County Manager Abolt said, you always do. Commissioner Odell said, -- awards banquet. I've done that. Not banquet, but dinner, lunch. Commissioner Rayno asked, what time is that? Commissioner Odell said, that's at twelve noon.

Acting Chairman Rivers asked, okay, do we reschedule a date or do we change the time to early morning or --? Commissioner Rayno said, we'll never be able to get it done in two hours. From ten to noon, it'll never happen. Acting Chairman Rivers asked, nine to twelve? Commissioner Rayno said, you won't get it done in three.

Commissioner Kicklighter asked, how about Wednesday, the 11th at one? Do y'all want to do that? Wednesday, the 11th at twelve o'clock? Commissioner Rayno said, yeah. Commissioner Kicklighter said, okay, I amend my motion to Wednesday, the 11th, at twelve o'clock.

Acting Chairman Rivers said, okay, there was an amendment to the motion. Is that all right with the second? Commissioner Odell said, that's all right with the second, with the understanding that we're going to have to check with the municipalities. Commissioner Kicklighter said, we'll have to check with them, yeah. Commissioner Odell said, but we can go for it.

County Manager Abolt said, I just lost Al [Bungard]. I don't where Al --. Acting Chairman Rivers asked, lot out on what? County Manager Abolt said, I don't know if he found out anything in his phoning the reason he made that --. I just --, we'll do what you tell us. Commissioner Kicklighter said, Wednesday, the 11th, at twelve o'clock. Is there anything known on your schedule there that would conflict? County Engineer Bungard said, oh, I didn't bring the schedule. We called every municipality to see when their town hall meetings, their city council meetings and all that to come with --, I don't have the schedule on what is when. Commissioner Kicklighter said, okay. County Engineer Bungard said, but this was a day, a time where there was no conflict. Commissioner Kicklighter said, okay, well, we're going to approve this. If you would call them please again and ask them if that's okay. County Engineer Bungard said, yes, sir. Which day now? County Manager Abolt said, noon on the 11th. County Engineer Bungard said, noon on the 11th. County Manager Abolt said, that's right.

Acting Chairman Rivers said, okay, we've got noon at 11 --, December 11th at noon to have the meeting scheduled. Commissioner Rayno said, second. Acting Chairman Rivers said, all in favor let it --. I thought it was seconded already. Was that properly seconded, Madam Clerk? The Clerk said, it was seconded. Acting Chairman Rivers said, all in favor let it be known --, all in favor. Opposed the same. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Murray and Thomas were not present.] Acting Chairman Rivers said, the ayes carry, the motion passes.

Commissioner Rayno said, you're not as fast as Billy [Hair].

ACTION OF THE BOARD:

Commissioner Kicklighter moved to schedule a workshop for Noon on Wednesday, December 11, 2002, with the municipalities on SPLOST vote, subject to the date being agreeable with the municipalities. Commissioner Odell seconded the motion and it carried unanimously.

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4. REQUEST BOARD TO CONSIDER FOR CONCEPTUAL APPROVAL AN INITIATIVE TO OFFER MOSQUITO CONTROL SERVICES TO OUTLYING COUNTIES AND COMMUNITIES.

Commissioner Odell said, move for approval. Commissioner Rayno said, yes, second. Commissioner Kicklighter said, second.

Acting Chairman Rivers asked, any discussion? Commissioner Rayno said, that's a great idea. Acting Chairman Rivers said, all in favor let it be known by saying aye. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

ACTION OF THE BOARD:

Commissioner Odell moved to allow staff to explore the need and feasibility of offering Mosquito Control services to outlying counties and communities. Commissioners Rayno and Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

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5. REQUEST BOARD UPHOLD DENIAL OF APPEAL OF R. L. CONSTRUCTION FOR A CHANGE ORDER FOR FINISH PAINTING OF METAL BUILDING STEEL FRAMES AT THE MOSQUITO CONTROL PROJECT.

County Manager Abolt said, Item 5 has been pulled at the request of the contractor. That will come back to you two weeks from today. Acting Chairman Rivers said, okay.

ACTION OF THE BOARD:

Pulled at the request of the contractor.

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6. BOARD CONSIDERATION REGARDING PARTIAL LIST OF PARCELS WHICH RECEIVED MAP AMENDMENTS DATING BACK TO 1987.

Commissioner McMasters said, I'd like to move that we table this in deference to the few people that are here. Commissioner Odell said, second.

Acting Chairman Rivers said, it's properly moved and seconded. Let it be known by the sign of your vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.] Acting Chairman Rivers said, the motion passes.

ACTION OF THE BOARD:

Commissioner McMasters moved to table the Board consideration regarding partial list of parcels which received map amendments dating back to 1987. Commissioner Odell seconded the motion carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

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X. ACTION CALENDAR

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

Acting Chairman Rivers asked, does anybody want to pull anything off of the Action Calendar? Commissioner Rayno said, 8-B. Commissioner McMasters said, F. Acting Chairman Rivers said, 8-B. Commissioner McMasters said, 8-F. Acting Chairman Rivers said, F. Commissioner McMasters said, and H. Acting Chairman Rivers said, H. Any other thing to be pulled?

Commissioner Rayno said, I make a motion to approve the balance of the Action Calendar. Commissioner Odell said, second. Acting Chairman Rivers said, properly moved and seconded. All in favor let it be known by your vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

ACTION OF THE BOARD:

Commissioner Rayno moved that the Action Calendar be approved in its entirety with the exception of Items 8-B, 8-F and 8-H. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

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

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1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON OCTOBER 25, 2002, AS MAILED.

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the minutes of the regular meeting on October 25, 2002, as mailed. - Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD OCTOBER 16 THROUGH OCTOBER 29, 2002.

ACTION OF THE BOARD:

Commissioner Rayno moved that the Finance Director is authorized to pay claims for the period October 16, 2002, through October 29, 2002, in the amount of \$3,264,785. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

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3. REQUEST BOARD ADOPT A RESOLUTION AUTHORIZING THE EXERCISE OF THE POWER OF EMINENT DOMAIN FOR CERTAIN ROAD PROJECTS BEING ACCOMPLISHED AS PART OF THE CHATHAM COUNTY ONE PERCENT SALES TAX ROAD IMPROVEMENT PROGRAM. [DISTRICTS 1, 3, 4, 6, 7, AND 8.]

ACTION OF THE BOARD:

Commissioner Rayno moved to adopt a resolution authorizing the exercise of the power of eminent domain for the following road projects to be constructed as part of the Chatham County One Percent Sales Tax Road Improvement Program: Road Projects Countywide: Eisenhower Widening and Median Construction - White Bluff Road to Truman Parkway; Bay Street Widening - I-516 to East Lathrop Avenue; Widen Dean Forest Road (S.R.307) from I-16 to Ogeechee Road (US 17); Abercorn Street Widening - Rio Road to Truman Parkway; Whitfield Avenue Widening - Old Whitfield Avenue to Ferguson Avenue; Local Roads to be Paved - Unincorporated Chatham County: Billings Road - Leghorn Street to Central Avenue; Bond Avenue - Pinpoint Road to Nichols Drive; Heather Street - Whitfield Avenue to End; Betran Street - Mendel Street to End; Shore Avenue - Lehigh Avenue to Ferguson Avenue; Andrews Street - Penrose Drive to End; Mobley Street - Kim Street to Perkins Place; Yucca Place - Mobley Street to Perry Cove Road; Perkins Place - Mobley Street to Perry Cove Road; Stone Street - Walthour Road to Walthour Road; Welch Road - Walthour Road to End; and Fountain Road - US Highway 17 to End. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

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4. REQUEST FROM THE ENGINEER FOR THE DEVELOPER, HGBD, FOR THE COUNTY TO RECORD THE SUBDIVISION PLAT FOR BERWICK LAKES, PHASE 4, ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE, AND RECOMBINE THE SUBDIVISION INTO THE EXISTING STREETLIGHTING ASSESSMENT DISTRICT. [DISTRICT 7.]

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the request from the engineer for the developer, HGBD, for the County to record the subdivision plat for Berwick Lakes, Phase 4, accept the subdivision agreement and financial guarantee, and recombine the Subdivision into the existing Streetlighting Assessment District. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

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- 5. REQUEST BOARD AUTHORIZE A REQUEST FOR COUNTY CONTRACT WITH GDOT TO CONSTRUCT SPUR 21, PHASE 2; AUTHORIZE THE CHAIRMAN, COUNTY ATTORNEY, COUNTY ENGINEER AND COUNTY CLERK TO SIGN THE FORMS NECESSARY TO IMPLEMENT THE PROJECT WHICH INCLUDES THE GDOT FORM 532, A UTILITY AGREEMENT, A LOCAL GOVERNMENT PROJECT AGREEMENT AND THE RIGHT-OF-WAY CERTIFICATION.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to authorize a request for County contract with the Georgia Department of Transportation (GDOT) to construct Spur 21, Phase 2; authorize the Chairman, County Attorney, County Engineer and Clerk to sign the forms necessary to implement the project, which include the GDOT Form 532, a Utility Agreement, a Local Government Project Agreement and the Right-of-Way Certification. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

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- 6. REQUEST BOARD DECLARE AS SURPLUS A SUBSTANDARD-SIZED VACANT LOT IN THE CITY OF SAVANNAH ON WEST 31ST LANE AND AUCTION THE COUNTY’S INTEREST IN THIS PROPERTY HELD BY TAX DEED.
[DISTRICT 8.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to declare as surplus a substandard-sized vacant lot in the 100 block of West 31st Lane in the City of Savannah, described as Lot 5, Falligant Ward (PIN 2-0066-13-002), and auction the County’s interest in this property held by tax deed, and authorize the issuance of a quitclaim deed. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

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- 7. REQUEST BOARD AMEND THE UNFUNDED CAPITAL IMPROVEMENT PROGRAM BUDGET TO INCLUDE THE INSTALLATION OF SIDEWALKS ALONG GATEWAY BOULEVARD FROM THE EXISTING SIDEWALKS IN FRONT OF THE LINKS AT GEORGETOWN APARTMENTS TO S.R. 204.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to declare as surplus a substandard-sized vacant lot in the 100 block of West 31st Lane in the City of Savannah, described as Lot 5, Falligant Ward (PIN 2-0066-13-002), and auction the County’s interest in this property held by tax deed, and authorize the issuance of a quitclaim deed. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

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

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. One-year agreement with automatic renewal options for four additional one-year terms to cover service on radio equipment and related items	Sheriff	Savannah Communications and Electronics (sole source)	\$29,814	<ul style="list-style-type: none"> •General Fund/M&O - Sheriff - \$9,938 •General Fund/M&O - Detention Center - \$19,876

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
B. Surveillance equipment	Police	Remote Technology	\$52,434.83	Multiple Grant Fund - Local Law Enforcement Block Grant
C. Specialized weightlifting equipment to be used by both the disabled and able-bodied	Anderson-Cohen Weightlifting Center	Access to Recreation, Inc.	\$25,024.35	•General Fund/M&O - Weightlifting Center - \$24.35 •DCA - Local Assistance Grant - \$25,000
D. Change Order No. 1 to the annual contracts for uniforms and uniform accessories to recognize manufacturer imposed price increases on selected items	•Police •Sheriff •Detention Center	•Frank's Uniforms •Southeastern Public Safety •West Chatham Warning Devices •Uniforms 911	Varies by item	•SSD - Police •General Fund/M&O - Sheriff •General Fund/M&O - Detention Center
E. Refurbished power scrubber	Mosquito Control	The Tennant Company	\$11,500	Receivables - Mosquito Control facility
F. Specialty built auger-driven delivery system	Mosquito Control	EZ Grout Corporation	\$12,486.74	General Fund/M&O - Mosquito Control
G. Confirmation of emergency approval for aerial larvicide applications	Mosquito Control	Steed Flying Service, Inc.	Not to exceed \$13,000	General Fund/M&O - Mosquito Control
H. Two-month extension of warehouse rental for in-house general contractor	Land Bank/Property	Melaver, Inc.	\$1,000	Land Bank/Property
I. One-year extension of legislative liaison services	County Commission	Robert McAlister	\$27,500	General Fund/M&O County Commission

As to Items 8-A through 8-I, except 8-B, 8-F and 8-H:

Commissioner Rayno moved to approve Items 8-A through 8-I, except Items 8-B, 8-F and 8-H. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

As to Item 8-B:

Surveillance equipment; Police; Remote Technology; \$52,434.83; Multiple Grant Fund - Local Law Enforcement Block Grant.

Commissioner Rayno said, thank you for this innovation, Chief Sprague, and I was wondering if they'll use this equipment over on Ogeechee Road for Mr. Odell that we talked about at the last meeting? Commissioner Odell said, so the viewer's know, it's not for Mr. Odell. Chief Sprague said, the basic answer to that is no. That's not the type of equipment we're buying. Well, some of it could be used if the crime problem were something that we had manpower committed to. It could be on Ogeechee Road, it could be an apartment complex on the Islands, it could be out on Whitfield, it could be anywhere we go. Some of it can be used in a mobile fashion. Commissioner Rayno said, it seemed to me it was the general consensus of the Commission at the last meeting that you innovate and try to use the technology for that, and I saw the report you sent and you asked for more manpower, but you didn't incorporate any technology into your report back to the Commission. Chief Sprague said, well, we're still working on the cost analysis on that and it's very, very high. That came up in a different vein. The technology you were talking about using was basically without manpower, without people to work the information, and that's why I made the statement technology and cameras can't overcome that problem. It takes police officers. The technology we're talking about here is basically for a different purpose. As you and Commissioner McMasters know, I kind of briefed you on this several months ago, and it wouldn't be good to -. Commissioner Rayno said, okay, I understand.

Commissioner Rayno said, motion to approve. Thank you. Commissioner Kicklighter said, second. Acting Chairman Rivers said, properly moved and seconded. All in favor vote please. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

As to Item 8-F:

Specialty built auger-driven delivery system; Mosquito Control; EZ Grout Corporation; \$12,486.74; General Fund/M&O - Mosquito Control.

Commissioner McMasters said, on this Mosquito -, this custom piece of equipment for Mosquito Control to eliminate the manual lifting, my question is simple. Was this budgeted in your '03 budget? Dr. Henry Lewandowski said, not specifically, sir. Commissioner McMasters asked, not sufficiently? Dr. Lewandowski said, not specifically. Commissioner McMasters said, not specifically. Why not -, or when did we come up with the idea of doing this? Dr. Lewandowski said, well, we budgeted for a number of things that are unanticipated, repairs on a multitude of equipment that we have, our helicopter pilot has been working on this particular item for a number of months, and it's finally

come to a point where we could act on them. At the time the budget was submitted and formulated, it was not that far along, sir. Commissioner McMasters asked, but how long have we been loading the helicopter manually with the material? Dr. Lewandowski said, since we've had a helicopter.

County Manager Abolt said, since the helicopter was invented. If I may, Dr. Lewandowski, one of the many reasons why the majority of the Board felt the justification to move out there was the streamlining of the entire process, and one of the issues has to be the ability to quickly load the material on our aircraft to allow it to get back up doing its business and, in effect, this is one of those innovations. The reason we're paying for it out of the County's budget versus the long-term debt at the airport, obviously we will not be paying interest on this.

Commissioner McMasters said, I don't find fault with the innovation, but procedurally should this as well as other innovative ideas not be budgeted, whether it's –, should it not be postponed until next year when it's properly budgeted? Why wasn't –, why isn't innovation budgeted automatically in a –? County Manager Abolt said, innovation is a dynamic process, and certainly from the standpoint of this facility innovation has been the watchword. The design which we'll see once we get you out there and they move in is very, very commendable, not just Dr. Lewandowski and his staff, but also to the architect. In this particular situation, you have a staff that has been terribly creative over the years, and they continue to be so to eliminate the amount of expense we're paying and down time. Whether I want to create a disincentive not to allow them to innovate –. Commissioner McMasters said, no, and I wouldn't want to do that either, Russ [Abolt], but let me conclude with this. County Manager Abolt said, it's pretty slick.

Commissioner McMasters said, in the short time that I've been on this Commission I've seen examples of contracts that we've done with vendors that when the work was substandard and we had problems with it, little have we recovered for that neglect or improper results of the product. In this case, is there any assurance from the manufacturer of this thing that if it doesn't work as planned, if it doesn't perform as planned, that it won't cost taxpayers additional money for a bad idea? Dr. Lewandowski said, sir, he has agreed to come on site and make sure that this will work. Commissioner McMasters said, okay.

County Manager Abolt said, and if I –, permit me. Not taking advantage of that question, I had a chance to send you in the mail last night –, I don't know if you've had a chance to read it or not –, a trade publication that touted the Mosquito Control operation in Chatham County as being particularly excellent when it comes to efficiency. So I would think, to carry that one step further because it's a trade publication, in addition to what Dr. Lewandowski has assured you, I think any vendor that wants to stay in the business would look very favorably towards pleasing Chatham County so they can use our good experiences and references for future work.

Commissioner McMasters said, that's all fine and noble. I'm not beating up on Mosquito Control here, Russ [Abolt], but the question, I think, is appropriate and that is you're asking for a custom piece of equipment that has not been tried and tested before, what assurance do we have that after spending this money that it will function as promised?

Commissioner Kicklighter said, I agree with Commissioner McMasters. This is not a budgeted item. I think it's good for next year if you can work it into the budget, but we're –, is this –? County Manager Abolt said, we are critical –, you know there are problems right now in getting enough, you know, stuff in the air to kill mosquitos, and any type of technological advancement we can make, and I have a great deal of confidence in Dr. Lewandowski and his staff, and the personnel involved in this one alone have a track record. Not the vendor, but the staff to be innovative, and I did not want in at least my recommendation to have this Board handicap them any further in a situation that's already at best difficult. Commissioner Kicklighter said, well, let me –, if I can finish. How much faster is this going to make the process of loading the helicopter? Dr. Lewandowski said, let me –, let me say that this helicopter so far has put out [inaudible] material on sand, but it out at 10 pounds an acre. This year this helicopter has put over 200,000 pounds of material. The old helicopter put out about 15,000 pounds in one year. This 200,000 pounds of sand is lifted in 50-pound buckets twice, once to load a truck and once to off-load a truck at the filling site. So this is manual labor that individuals are doing. It's grueling [inaudible] work in the heat of the Summer. We're asking for a relatively inexpensive item to automate that process and cut the manual labor. Commissioner Kicklighter asked, how much –, how many buckets, 50-pound buckets go on one helicopter? Dr. Lewandowski said, about 16 in one run. Commissioner Kicklighter asked, about 16? Dr. Lewandowski said, yes, sir. Commissioner Kicklighter said, so basically a person would have to stand there and just move 16 50-pound buckets. Dr. Lewandowski said, yes, sir, and the helicopter can empty that out, about 800 pounds, in about a minute and a half depending on the runs. So every five minutes a helicopter is landing and these individuals are lifting these buckets all day long.

Commissioner McMasters asked, are these –, are these guys standing idly by while they're waiting for the –. Acting Chairman Rivers said, wait a minute. Were you finished? Commissioner Kicklighter said, well, I just want to know. I want to get the time thing straight because, you know, life's rough at times and, you know, I mean, and if we can do something easier, I'm all for helping –, helping the guys out, but, I mean, if that's their job to do, then what are they going to do when that job's eliminated, and, you know, again, we're facing a budget deficit, and I always seem to be picking on Mosquito Control and, God knows, I'm getting call after call, and y'all are wonderful at responding to whoever calls and, you know, the areas there about the mosquitos. But if it's –, if it's not going to really speed up the time of it of, you know, getting out there and fighting mosquitos and all, I think this would be better to handle next year in next year's budget.

Commissioner Odell said, well, I think he said that it would. Commissioner Rayno said, yes, it will eliminate back injuries and things like that. 50-pound buckets, they sit around waiting for the –.

Acting Chairman Rivers said, go ahead, Commissioner McMasters.

Commissioner McMasters asked, is the pilot currently loading? Dr. Lewandowski said, no, sir. Commissioner McMasters asked, who's doing the loading currently, manually? Dr. Lewandowski said, other staff. Commissioner McMasters said, the staff. Dr. Lewandowski said, the pilot –, it's not recommended by law that the pilot handle pesticides during our loading. Commissioner Odell said, you don't want your pilot sniffing bug killer and flying through the City. [Unintelligible comments made when several Commissioners began speaking at one time.]

Acting Chairman Rivers said, little order, little order here please.

Commissioner Rayno said, motion to approve. Commissioner Odell said, second.

County Manager Abolt said, Mr. Acting Chairman. As we recognize technology, you might want to wave towards the camera. Frances [Rasmussen] has just given me a note. As you know, this is a live broadcast. Commissioner Murray for reasons beyond his control, as you know, could not attend the meeting. We just got a message from Commissioner Murray, who's at home watching you on TV, saying please tell them that he wishes that the Mosquito Control request be approved. Commissioner Odell said, okay, Frank [Murray], I'll push Frank's button. Commissioner Rayno said, hello, Frank [Murray].

Acting Chairman Rivers said, all in favor let it be known by voting. Opposed the same. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.] Acting Chairman Rivers said, the motion carries.

Commissioner Kicklighter said, I want to state to Henry [Lewandowski], too, I appreciate everything you've done. I know this year has been awful with mosquitos and y'all have –, every time we get a complaint, you respond right out to the area, and I know you're fighting a –, right now it's been a losing battle because they're everywhere, but I appreciate everything y'all are doing. Thank you. Dr. Lewandowski said, thank you.

As to Item 8-H:

Two-month extension of warehouse rental for in-house general contractor; Land Bank/Property; Melaver, Inc., \$1,000; Land Bank/Property.

Commissioner McMasters said, the background here, Pat [Monahan], on page nine says that the space will not be available until the end of November. Why is the space not available until the end of November that's causing us to spend this money? Mr. Monahan said, the space is currently occupied by the Georgia Emergency Management. We purchased the building, but allow –, the County allowed Georgia Emergency Management to remain in the building during this transition period. That's the –, this is the Air National Guard property, on the back side of the Air National Guard property. Commissioner McMasters asked, okay, well then did we not budget knowing that? Did we budget for this additional warehouse? Mr. Monahan said, we thought we would be out by this time. We thought that GEMA would be out by this time, but it's not. Commissioner McMasters asked, when –, what does the contract call for? When were they supposed to be out? What was the agreement? Mr. Monahan said, I don't know that we –, we had a contract with –. Commissioner McMasters asked, what was the understanding? Mr. Monahan said, – Emergency Management. Commissioner McMasters asked, that they would be gone by now? Mr. Monahan said, we thought. Commissioner McMasters asked, did they give you something to come to that thought? Mr. Monahan said, no, sir. I came into the project a little bit later. I did not originally start on it and I do not know what the terms of the agreement were between the County and Georgia Emergency Management. Commissioner McMasters asked, are there any terms in this agreement?

County Manager Abolt said, Mr. Lynch handled it. I don't believe there are terms. It was probably a gentleman's agreement at best.

Commissioner Rayno asked, how about a policy in the future, any agreement made between any entities within government, have it in writing so that we're not playing guess what was said? Can I have a second and we'll just pass that?

Acting Chairman Rivers asked, Russ [Abolt], can we –, can we –. County Manager Abolt said, the agreement itself –, I'm sorry. Acting Chairman Rivers said, we can do that by general consensus. County Manager Abolt said, you're doing that already. Acting Chairman Rivers said, intergovernmental agreement. County Manager Abolt said, permit me on this. I don't want to immediately assume this is what took place. The agreement itself with the State and the National Guard and all that, you all approved. What I'm assuming, and that is always dangerous, is that there might have been a gentleman's agreement from the standpoint of the State people wanting to stick around, and we said it's a minimal part of the overall acquisition, the buy/sell agreement, so it was said, let it happen. But that's an assumption.

Commissioner Rayno said, but the problem is when you have a gentleman's agreement, you can't make budgetary decisions because nobody knows where the end date is or the starting date is for everything. Mr. Monahan said, let me –, let me backtrack a little bit. Commissioner Rayno said, and there's no accountability. Mr. Monahan said, what happened was GEMA was in this space and during the course of looking at the budget trying to look at places we could save, I saw that we were renting this warehouse. I talked to the in-house general contractor and he said, "no, that's not necessary if he could find other space for the saw and the materials that they use in the renovation of County buildings." So when we were looking out at space, he selected this particular area. So it's not as though GEMA was –, we identified this six months ago. We were looking at this as a budget saving measure of where could we move this particular office and get rid of this expense, and that's when we saw the GEMA building, and I said, "well, when is the GEMA building available?" At the end of November. That's how it happened.

Commissioner McMasters said, okay, but it's not available at the end of November. Right? Mr. Monahan said, it will be at the end of November. We're just asking for a two-month extension. The lease agreement expired in –, actually

the end of September, so we're asking for an October/November extension on the leased space so that we can move into County-owned space.

Commissioner Odell said, move for approval. Commissioner Kicklighter said, second. Commissioner McMasters said, there was a motion previously to ask for some sort of written document. Mr. Abolt said, sir, you have it.

Acting Chairman Rivers said, we already do things through intergovernmental agreement so all we have to do is direct staff that in the future we just get an intergovernmental agreement to make sure that's [inaudible]. County Manager Abolt said, we're not backing up. Just understand --, I don't mean that.

Commissioner McMasters asked, well, did anybody --, did anybody suggest that we split this cost with the State? Mr. Monahan said, uh --. Commissioner McMasters said, since it's mutually delayed. I mean, there's no document, it's just mutually delayed. I mean, why does Chatham County have to absorb the cost for this? I know it's only \$2,000. County Manager Abolt said, well, I don't want to say --. Mr. Monahan said, it's \$500 a month. Commissioner McMasters said, but it's not our money. Mr. Monahan said, it's \$1,000 --, it's \$500 a month. Commissioner McMasters said, okay, \$1,000. County Manager Abolt said, and if I may, Pat [Monahan], we have a great working relationship with GEMA and I certainly understand what Mr. Monahan responded to in his testimony to you on why this happened to try to say, okay, let's split it with them when in effect we have a workable agreement, plus we have an excellent partnership with a State agency that literally can give us and have given us a great deal of resources during a time of emergency I think is not essential, but it's your choice. Commissioner McMasters said, I've said what I needed to say.

Acting Chairman Rivers said, okay. We've got a motion on the floor to approve. Commissioner Kicklighter said, yeah, I won't talk. Let's go. We've got a motion and a second. Acting Chairman Rivers said, and a second. All in favor. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

ACTION OF THE BOARD:

1. Commissioner Rayno moved to approve Items 8-A through 8-I, except Items 8-B, 8-F and 8-H. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]
2. Commissioner Rayno moved to approve Item 8-B. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]
3. Commissioner Rayno moved to approve Item 8-F. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]
4. Commissioner Odell moved to approve Item 8-H. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.]

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XI. FIRST READINGS

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

1. **TEXT AMENDMENT TO SECTION 11-2.4 THROUGH SECTION 11-2.7 OF THE CHATHAM COUNTY ZONING ORDINANCE TO REQUIRE THE POSTING OF PROPERTY FOR ZONING MAP AMENDMENTS AND SPECIAL USE REQUESTS PRIOR TO MPC MEETINGS (IN LIEU OF WRITTEN NOTICE TO SURROUNDING PROPERTY OWNERS) AS WELL AS CONSIDERATION OF AN ALTERNATE TEXT AMENDMENT TO AMEND THE NOTIFICATION PROCEDURES TO REQUIRE ADDITIONAL NOTIFICATIONS PRIOR TO THE MPC MEETING AND THE MEETING OF THE BOARD OF COMMISSIONERS AT WHICH SUCH MAP AMENDMENTS AND SPECIAL USE REQUESTS ARE TO BE HEARD.**

ACTION OF THE BOARD:

Acting Chairman Rivers read this item into the record as the first reading.

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XII. SECOND READINGS**1. ADOPTION OF 90-DAY MORATORIUM FOR SOUTHEAST CHATHAM COMMUNITY.**

Commissioner McMasters said, I'd like to make a motion that the moratorium second reading be tabled until the second meeting in December, which will be December 20th. Chairman Hair asked, do I have a second? Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner McMasters moved to table to the second meeting in December, December 20, 2002, the second reading on adoption of 90-day moratorium for Southeast Chatham community. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.]

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XIII. INFORMATION CALENDAR**1. PROGRESS REPORT ON GENERAL FUND CONTINGENCY ACCOUNT - M&O AND THE SPECIAL SERVICE DISTRICT (SEE ATTACHED).****ACTION OF THE BOARD:**

Written report received as information.

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

Written report received as information.

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ITEMS FROM EXECUTIVE SESSION**1. REQUEST BOARD TO APPROVE SETTLEMENT OF THE CLAIM OF MARY WILLIAMS (JONATHAN HART).**

Chairman Hair said, I'll entertain a motion to approve the settlement for Mary Williams for \$8,000. Commissioner Odell said, I move that it be approved. Commissioner Rivers said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.]

ACTION OF THE BOARD:

Commissioner Odell moved to approve the settlement of the claim of Mary Williams, as a result of an automobile accident with Winston Maxey which occurred on June 4, 2002, at the intersection of Bull and East 61st Streets, in the amount of \$8,000.00. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.]

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2. REQUEST BOARD TO APPROVE RESIGNATION OF GARY UDINSKY (JONATHAN HART).

Chairman Hair said, I'll call on Commissioner Kicklighter for another motion.

Commissioner Kicklighter said, Mr. Chairman, at this time I'd like to make a motion to accept the resignation of Gary Udinsky under the terms that he will not seek re-employment, Mr. Udinsky would execute all releases necessary for the release of the Board of Assessors and the Chatham County Commission, both previous and current, the Commission would pay \$157,000 for any and all alleged claims; Mr. Udinsky would be entitled to receive his normal terminal pay, as outlined by the Chatham County Personnel Ordinance Procedures Manual. Commissioner Odell said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to accept the resignation of Gary Udinsky under the terms that he will not seek re-employment, Mr. Udinsky would execute all releases necessary for the release of the Board of Assessors and the Chatham County Commission, both previous and current, the Commission would pay \$157,000 for any and all alleged claims, and Mr. Udinsky would be entitled to receive his normal terminal pay, as outlined by the Chatham County Personnel Ordinance Procedures Manual. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.]

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3. REQUEST BOARD TO APPROVE SETTLEMENT OF CLAIM OF PATRICIA STRINGER AND JACKIE SOMMERS FOR ATTORNEY'S FEES (JONATHAN HART).

Chairman Hair asked, do we need a separate motion on the fees? County Attorney Hart said, yes, sir, and that could be a total number. Chairman Hair said, including those fees? Do we need a separate motion for that? County Attorney Hart asked, are you talking about the second part of this thing? Chairman Hair said, the attorney's fees. County Attorney Hart said, yes.

Commissioner Odell said, I'll make the motion. I move that we approve settling the attorney fee issue with Patricia Stringer and Jackie Sommers in a sum of \$58,000. County Attorney Hart said, and that they will dismiss any further claims that they have against the County pending in any court or jurisdiction. Commissioner Rayno asked, do you accept that amendment? Commissioner Odell said, I do. Chairman Hair asked, second? Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved to approve settling the attorney fee issue with Patricia Stringer and Jackie Sommers in a sum of \$58,000, and that they will dismiss any further claims that they have against the County pending in any court or jurisdiction. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioners Murray and Thomas were not present.]

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4. 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.

Chairman Hair said, I'll entertain a motion to approve the affidavit for Executive Session. Commissioner Odell said, 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: Commissioners Murray and Thomas were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

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

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APPOINTMENTS

None.

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ADJOURNMENT

There being no further business to be brought before the Board, Commissioner Kicklighter moved that the meeting be adjourned. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Murray, Gellatly and Thomas were not present.] Acting Chairman Rivers declared the meeting adjourned at 1:05 p.m.

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APPROVED: THIS _____ DAY OF _____, 2002

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

SYBIL E. TILLMAN, COUNTY CLERK