

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, DECEMBER 6, 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, December 6, 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  
Dr. Priscilla D. Thomas, Vice Chairman, District Eight  
Frank G. Murray, Chairman Pro Tem, District Four  
Jeffrey D. Rayno, District One  
Harris Odell, Jr., District Five  
David M. Gellatly, District Six  
B. Dean Kicklighter, District Seven

ABSENT: Joe Murray Rivers, District Two  
John J. McMasters, District Three

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

Commissioner Murray said, Sybil [Tillman], if you could make a note, Commissioner McMasters is attending training in Athens. Commissioner Rayno said, Commissioner Rivers will be here shortly. Chairman Hair said, he had a meeting. The Clerk said, thank you.

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**YOUTH COMMISSIONERS**

Chairman Hair welcomed the following Youth Commissioners who were in attendance: Mr. Arun Gupta, a Senior at Jenkins High School, representing the Indian Association Youth Group; Ms. Whitney Gusby, a Junior at Jenkins High School; and Mr. John Hawkins, a Junior at Savannah Christian.

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## V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

None.

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## VI. CHAIRMAN'S ITEMS

### **1. OPTION REGARDING MOSQUITO CONTROL AIR TRACTOR ENGINE REPLACEMENT.**

Chairman Hair said, I would like to bring to my fellow Commissioners' attention something that I think we need to address. At the last Board meeting, if you remember, we had a request from the Mosquito Control Commission for a \$60,000 expenditure to overhaul the engine on our air tractor. I raised some concerns about it at that time and I would like to sort of give a little bit more information and see if we can't really possibly make a different decision. For those that are not familiar with aircraft, we currently are flying an air tractor with a radial engine on it. Radial engines are not near as reliable from a safety point of view as are turbine engines and, you know, we're talking about an engine that's 59 years old and spending about \$60,000 to overhaul the engine. I believe that we are possibly being penny wise and pound foolish by not replacing that engine with a turbine engine as opposed to rebuilding a radial engine. Let me give you some information that I think is valid. First of all, the primary concern that I have is one of safety. Our pilot straps that aircraft onto him just about every day and last year he flew this airplane over 200 hours over very congested areas, and I think it's not near as safe to fly that radial engine --, there's been a lot of problems with them --, as the turbine engine is. The second issue is just an issue of efficiency. The turbine engine has a 3,600 hour time between overhaul. The radial engine has 1,000 hours. It takes about \$35,000 to \$40,000 to overhaul that engine, so you're looking at spending about \$120,000 right there that you would not have to spend with a turbine engine. The fuels are slightly cheaper, but the main thing is it carries a lot more. It carries about a third more payload. Right now that aircraft carries about 1,600 pounds of mosquito control chemicals. With a turbine we can carry 2,400 pounds, plus it's about 10 knots faster, which means that we're cutting an 80-foot swath times 10 miles an hour times 200 hours, so we could cover a lot more ground with the turbine engine. The difference is about \$210,000. The turbine engine and everything necessary to go with it would be about \$274,000. What I would ask my fellow Commissioners to think about is to basically --, today all I would ask is that we ask staff to see if we could come up with the funding for the \$274,000 and not spend the \$60,000 for the --, to overhaul a very old engine and an engine that's not nearly as reliable as the turbine engine. Chairman Hair recognized Mr. Abolt.

Abolt said, Mr. Chairman, you and I have talked about this and I appreciate so much your leadership and really hands-on knowledge, certainly much more than I have on the issue of aviation. In the case you have presented, we have identified in the facts which is in your staff report that there is --, and this is nothing to certainly be --, to covet necessarily --, but there is remaining in the catastrophic reserve \$150,000. You will recall when we were faced and still are faced now with West Nile Virus and all of its problems, that we've determined it's a legitimate draw-down in catastrophic reserve to do that. Obviously the \$150,000 is smaller than the amount already drawn down and it would in fact deplete it, there is --, and this is purely coincidence because you might recall in your packet later on or actually Wednesday or Thursday of this week we did have some good news when we placed our property insurance, our agent of record had told us we had to budget \$380,000 more because back in the Summer he felt that it would be, if not impossible, very expensive to replace that insurance because of the threat of terrorism. Well, time has changed and in effect with possibly no more than a 15% increase in premium, we'll have a savings. We do not know exactly how much that savings will be, but carrying forward on what you've just asked me to do, it might be reasonable to expect that in your catastrophic reserve we would plan to put the balance of the \$380,000, that there'd be sufficient money to augment the \$65,000 [sic], which would not be spent for the rebuilding. So, it is your choice. If y'all wish to do it, I feel confident that the money will be there, assuming that the estimates that Dr. Lewandowski has received from the provider are accurate estimates.

Chairman Hair said, Commissioner Murray and then Commissioner Rayno. Oh, Commissioner Rayno first and then Commissioner Murray.

Commissioner Rayno said, I think it would be a good idea perhaps to --, I think it's a good idea what you're suggesting, Mr. Chairman. Perhaps it would be best addressed at our cash flow workshop which is going to be next week. Chairman Hair said, I respect that, Commissioner Rayno. My only concern about that is the aircraft is currently scheduled for the overhaul, and I think that there is a --, timing is somewhat important here because it's going to take some time to replace the engine and I'd hate to see us delay it too much, and I know we're talking next week, but then we're not really going to take any action at the workshop. I'd just like to see us move it a little faster than that. I think that --, as Mr. Abolt said, I think we could find the money to do it, and that would be my only concern. I respect your desire to do that, but I'm afraid if we do that, then we're talking another two weeks, the 20<sup>th</sup>, before we could take any action. So that concerns me a little bit.

County Manager Abolt said, also to help you out on what Commissioner Rayno said, we're going to have to solicit for this. Now, whether it's a sole source or not, you'd have to act on that on your Purchasing report, so it would --, it's going to take some time to even get back --. You would have the ultimate option that Commissioner Rayno wants. After you go through your workshop, if you make some other choices, you just reject the bids whenever they came in.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, my concern is the down time of the aircraft, and I agree, I think we need to replace it with the turbo engine. I was just looking at our sheet also on the M&O funds, and this –, Mosquito Control is funded out of M&O, correct? County Manager Abolt said, yes, sir. Commissioner Murray said, we still have \$178,000 left in M&O contingency. Now, I'm not saying that we use that, but it's something we could fall back on if we need to, but I would support going ahead and approving today that we do it and let y'all go through whatever steps you need to, and when the bids come back then certainly hope we will have that –, I don't know if it will be at the next meeting or not, but we need to move as quickly as possible and then at the same we've had time to discuss it in our workshop next week. County Manager Abolt said, you'd have full control, sir. Commissioner Murray said, but I certainly support the turbo engine over the other engine right now.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, I, too, support the turbine engine, mainly because of the safety and the efficiency and some of the other things that you have stated. It's better for us to move forward in that direction than worry about, you know, safety issues and other things later. It's better to take the necessary steps that we need to take in order to correct the problem.

Chairman Hair said, as I mentioned, it would be at least a third more more efficient, which would save us money down the road. That's what I'm thinking. Chairman Hair recognized Youth Commissioner Gupta.

Youth Commissioner Gupta said, I can see all the advantages with the turbine engine, but has the radial engine caused significant problems in the past or not? Chairman Hair said, well, it's up for overhaul right now. The original thing –, this was put on the agenda a couple of weeks ago to overhaul the engine at \$65,000. As I mentioned, the radial engines have to be overhauled every 1,000 hours, the turbine only has to be overhauled every 3,600 hours, which is about three and a half times longer. So it's just up for an overhaul, that's the reason that it's on the agenda now.

Chairman Hair asked, any other questions? I would appreciate a motion.

Commissioner Murray said, I move that we go ahead and approve this. Commissioner Thomas said, second. Commissioner Murray said, okay, motion to approve and a second. Any further discussion? All those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Murray, Odell and Thomas voted in favor of the motion. Commissioners Gellatly and Kicklighter voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Rivers and McMasters were not present.] Chairman Hair said, the motion passes. Thank you.

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

Commissioner Murray moved that the Board seek bids for the purchase of a turbine engine for the Mosquito Control Commission air tractor instead of overhauling the radial engine. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rayno, Murray, Odell and Thomas voted in favor of the motion. Commissioners Gellatly and Kicklighter voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Rivers and McMasters were not present.]

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## **VII. COMMISSIONERS' ITEMS**

### **1. FEE CHARGED SCHOOL DISTRICT FOR TAX COLLECTION (COMMISSIONER MURRAY).**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, we met with our local legislative delegation last week and this issue came up about the fee that we charge the School Board and they wanted us –, the legislators asked us if we would be willing to try one more time to sit down with the School Board. I don't think we will get any further sitting with the School Board and trying to discuss it because we have definite feelings about what is our cost and what is not our cost and what should be included in our exact cost, and I certainly agree if we're going to do it on a cost basis, we should include our total cost and all the departments that are involved in that collection fee. So what I'd like to recommend is maybe that we offer them binding arbitration on what criteria we use to do this to come up with that fee. In other words, what departments will we use, and I think we can make a case that we can use all of those departments that certainly play a role in that collection fee. So, that's the only reason I had it on here. I don't think we can just sit down with them and discuss it like we did the last time and expect to come out with any different situation, but I would like to at least try one more time to show them that we're trying in good faith to do what is right, and I don't think any of us sitting up here want to charge any more than what it actually costs us to do it, but if we're going to do a cost, then certainly it needs to be our total cost of what it costs us to collect those tax funds.

Chairman Hair said, Commissioner Murray, I totally agree with you. I would totally support binding arbitration with the School Board, binding arbitration –, not on the number, but what you're proposing is to offer binding arbitration on what should be included in the fee, whether we should include the Tax Assessor, should include the Board of Equalization, those kinds of things, and I would certainly support us offering them binding arbitration. I think it needs to be binding

however. I don't think it needs to be arbitration or mediation. I think it needs to be binding arbitration that we would offer them to determine what should be included in the fee, and I totally support your proposal. Commissioner Thomas said, I do too. Chairman Hair asked, do you want to make a motion?

Commissioner Murray said, yeah, I'll --. Commissioner Odell said, I'd like to hear from Jon [Hart].

County Attorney Hart said, I'd like to look. This came up this morning and I really didn't have a chance to talk about it. I'm not trying to, you know, throw a monkey wrench into reconsidering this because I think obviously the two governmental entities both have a lot of stake sitting down to try to work something out. I don't know whether we can call it technical arbitration or not. There's some issues about whether as governmental bodies what you can arbitrate or whatever. If we can arbitrate, there's no problem with it, I'd like to look at that. As an alternative suggestion, you could, if arbitration is not appropriate, there's certainly nothing to prevent a mediation, and if there were a mediation agreement, there would be nothing to prevent the School Board and the County from entering into an intergovernmental agreement pursuant to that mediation agreement, which would in effect be binding for whatever term the intergovernmental agreement would be.

Commissioner Murray asked, well, can you research it and bring it back to us at the next meeting. County Attorney Hart said, yeah, I'd be glad to look at that. Commissioner Murray said, and then we can decide --. County Attorney Hart said, I'd like to talk to the School Board attorney and get his feelings on it because I think going in everybody needs to be on the same book and page.

Commissioner Kicklighter asked, can he make a motion on just --. Chairman Hair said, yeah, I think we'll go ahead and make a motion either to be arbitration or a binding mediation based on the Attorney's --, can't we do that --. Commissioner Murray said, that's the motion. Chairman Hair said, rather than to wait two weeks. Commissioner Rayno said, second.

Chairman Hair said, we have a motion and a second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.] Chairman Hair said, the motion passes.

Chairman Hair said, I would also like to make one other comment. You know, when we've got 159 states --, I mean, counties in this State, and they all work under the same State law on how this is collected, I just don't feel like it's right for our local delegation to get involved in coming back and telling us as Chatham County that we're going to do something different than the other 158 counties are going to be doing. You know, it's not right for them to do that. They're going to do that, so I think we need to do and show the best that we can on trying to work this thing out. But, anyway --.

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

Commissioner Murray moved that, based on the County Attorney's opinion on binding arbitration/mediation, the County enter into either arbitration or a binding mediation with the School Board on what criteria is used to determine the fee for collection of the School Board tax. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.]

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## **2. ANNUAL EOA REPORT FROM MR. JOHN FINNEY (COMMISSIONER THOMAS).**

Chairman Hair recognized Dr. Thomas to introduce it.

Commissioner Thomas said, thank you, Mr. Chairman and members of the Commission. I'm delighted to introduce Mr. John Finney. He's no stranger to us. He has come before this Commission constantly every year to make an annual report because he does receive some funds, not that much, but he, you know, receives some funds and he likes to come before us to let us know how those funds are being used and the kinds of activity that is taking place throughout the year. Mr. Finney and others.

Mr. John Finney said, thank you very kindly, Dr. Thomas and Dr. Hair. I have to my right and to your left, Mr. Terry Tolbert, the Deputy Director for Administration, or at least for Housing and Economic Development, and to my left and your right is Mr. Fletcher Woodward with --, our Fiscal Officer for Economic Opportunity. As you know, it's very difficult for nonprofit agencies to operate in Savannah without the help at the local level. We receive funds from anyone but the enemy of the United States. Private corporations, City, County and foundations or what have you. What we have to present to you today is our annual report for the year 2001. We'd like for you to take some time sometime during the day and peruse this report and take a look at what we have tried to do with the money that you've given us during the past year. If you will look at the financial page it will give you a break-down on how we spent the taxpayer's funds during the past twelve months. Of particular interest, if you will look at the housing page, you will see that since 1998 that we have graduated at least 993 people in the housing/home values education class. 160 people have purchased homes and they have qualified for a total of \$8,704,575. These are people how came into our home values education classes with bad credit. Some people could not afford to put a penny box of matches on lay-away plan, but they were able to redirect their resources and now they're home owners. So we want you to know that we are still excelling. There are two printouts in the annual report. One is the auditor's opinion of how we spent our money during the past program year, and the second is where we hope to go in 2003. So if you have any questions, we'd be more than glad

to answer them, but we just want to say thank you very kindly for the support that you've given us and we do want to call to your attention that on January 6 of 2003 EOA will have been in operation for 38 years and the agency is a nonprofit agency founded by the City, the Board of Public Education and the Commissioners of Chatham County back in 1965. Any questions?

Chairman Hair said, Mr. Finney, I don't have any questions. I just want to say publicly there is probably no one that runs any organization in Chatham County that I have more respect for than you. I think you've done an outstanding job for many, many years over there, and I personally appreciate the job you've done. I wish all of our agencies were operated to the same level that you operate EOA. Mr. Finney said, well, we realize that the demographic status of Chatham County is changing. Savannah is a melting pot today. At one time we looked at New York as the Big Apple and the melting pot of America, but if you will look at the front of our report, it will reflect the Hispanic, the Jewish, the African-American, the Asian and all segments of individuals who are now living in Chatham County, and I think that we may be the only agency who is helping out with linguistics. There's a special page in here with the partnership that we have with Eli Whitney where we do have a Hispanic teaching the Hispanic language to Hispanic children who have difficulty in the public schools.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, I'd just like to say I really appreciate the job y'all are doing and certainly respect the way you handle everything over there. There's just one question I have though, is there any way you can find Fletcher [Woodward] more work to do because he tells me he doesn't have enough to keep him busy. Mr. Woodward said, I'm always busy. Commissioner Murray said, I was just joking about him.

Chairman Hair said, thank you very much, John [Finney]. We appreciate y'all being with us today. Mr. Finney said, we want to thank you for your support, and just to say a little bit about Fletcher [Woodward], Mr. Murray —. Commissioner Murray said, I see I got you in trouble, didn't I? Mr. Finney said, Fletcher [Woodward] —, if you could look at that page, that opinion page by our most recent audit, you'll notice that there are absolutely not any questions [inaudible] with almost \$9 million expenses, and that's because of the work that Fletcher [Woodward] did for us. He's been itching to go back because the auditor's waiting on him now. Chairman Hair said, thank you. Commissioner Murray said, good. We appreciate it.

Commissioner Odell said, John [Finney], before you go, Terry [Tolbert], is also a member of the Hospital Authority and I think Terry's term will be ending soon. Terry [Tolbert] has done an outstanding job. He was Chairman of the Hospital Authority, not this year, but two years ago. I think it's important that when we appoint people to the board that we appoint people like Mr. Tolbert and others who have some grasp of why they're there. They're not just there to be in the photo at the end of the year. They're there to provide a service and Terry [Tolbert] totally understood that and I thank you for that, Terry [Tolbert].

Mr. Finney said, one last report. On Monday morning we served over 300 people with electricity and gas payments and we now have a waiting list because we have no more funds. Thank you.

Chairman Hair recognized Youth Commissioner Gusby.

Youth Commissioner Gusby said, you said that you have a partnership with Eli Whitney, and I wanted to know if there were any other schools in the public system that you have partnerships with or any other children's organizations. Mr. Finney said, we have a reading partnership program with Esther Garrison and we also have one with, I believe, Robert Gadsen School that we're working on right now. And incidentally, with East Broad Elementary School we're the only agency that has foster grandparents who are working in the public school system. We found that senior citizens work out very well with kids in the lower grades.

Chairman Hair said, thank you very much again. I appreciate y'all being here, Fletcher [Woodward], Terry [Tolbert] and John [Finney].

**ACTION OF THE BOARD:**

Received as information.

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**CHATHAM AREA TRANSIT AUTHORITY**

The Board recessed as the County Commission at 9:23 a.m., and reconvened as the Chatham Area Transit Authority.

The Chatham Area Transit Authority was adjourned and the Board reconvened as the County Commission at 9:30 a.m.

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**VIII. TABLED/RECONSIDERED ITEMS**

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

- 1. **LEE MEYER REGARDING COUNTY TRAFFIC STUDIES: 1) 52-ACRE TRACT ON MONTGOMERY CROSSROADS; 2) TRAFFIC STUDIES IN GENERAL (COMMISSIONER MCMASTERS). Tabled at meeting of November 8, 2002.**

**ACTION OF THE BOARD:**

This item was not placed before the Commissioners for consideration.

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- 2. **BOARD CONSIDERATION REGARDING PARTIAL LIST OF PARCELS WHICH RECEIVED MAP AMENDMENTS DATING BACK TO 1987. Item was tabled at meeting of November 8, 2002. Please note that staff has prepared a report to include additional parcels. The total inventory is now complete.**

**ACTION OF THE BOARD:**

This item was not placed before the Commissioners for consideration.

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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 \$12,160 TO THE PURCHASING DEPARTMENT FOR TERMINAL PAY RESULTING FROM THE RESIGNATION OF AN EMPLOYEE, A GENERAL FUND M&O AMENDMENT TO RECOGNIZE \$31,030 IN REVENUE TO ESTABLISH A POSITION IN CHILD SUPPORT RECOVERY, AND A RESOLUTION TO ADOPT A FY2003 BUDGET FOR THE CAPITAL IMPROVEMENTS GRANT FUND IN THE AMOUNT OF \$2,225,000 TO ACCOUNT FOR GREENSPACE FUNDS RECEIVED.**

Chairman Hair said, I'll entertain a motion to approve.

Commissioner Murray said, so moved. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair asked, any discussion? All -. Commissioner Murray said, this, Russ [Abolt], on the Greenspace, that money is going into a special fund and has to be held that way. Is that correct? County Manager Abolt said, that's correct, sir. This is just a financial -. Commissioner Murray said, okay.

Chairman Hair asked, any other questions? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve the following: A General Fund M&O Contingency transfer of \$12,160 to the Purchasing Department for terminal pay resulting from the resignation of an employee, a General Fund M&O amendment to recognize \$31,030 in revenue to establish a position in Child Support Recovery, and a resolution to adopt a FY2003 budget for the Capital Improvements Grant Fund in the amount of \$2,225,000 to account for Greenspace funds received. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.]

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**2. REQUEST BOARD APPROVE THE JAIL SERVICES REIMBURSEMENT AGREEMENT WITH EACH MUNICIPALITY FOR PAYMENT TO CHATHAM COUNTY FOR HOUSING OF THE CITIES' INMATES AT THE DETENTION CENTER.**

Chairman Hair asked, Sheriff, do you have any comments on that, or –?

Sheriff St. Lawrence said, no, sir. Pat Monahan and Colonel Holmes and myself, we've reworked and reworked that plan and we think we've got it where it needs to be.

Chairman Hair said, I'll entertain a motion to approve. Commissioner Murray said, so moved. Chairman Hair asked, second? Commissioner Odell said, second. Commissioner Rayno said, I have a question. Chairman Hair said, sure. Chairman Hair recognized, Commissioner Rayno.

Commissioner Rayno said, on the arbitration that we're going to go to with the cities, I noticed in the contract it didn't say anything about binding arbitration, and I think in our discussions we talked about having binding arbitration, didn't we? Chairman Hair said, of course, we possibly could run into the same situation we just ran into with the School Board issue. Commissioner Rayno said, well, Mr. Hart can comment. County Attorney Hart said, I feel much more comfortable about a binding arbitration agreement under an intergovernmental agreement for reimbursement because it's a contractual provision than –. Chairman Hair asked, of course, we've got the same thing with the School Board, too. County Attorney Hart said, which, it's sort of like the same thing with the School Board situation.

Chairman Hair said, I'm not sure your question's been answered, Commissioner Rayno. Commissioner Rayno said, I'm not sure it has either. I mean, is it binding or is not? Is it binding or –? Commissioner Rayno said, we need to have it binding because otherwise they could say –. Chairman Hair said, I totally agree with Commissioner Rayno. It's got to be binding. Commissioner Rayno said, – the heck with you because all it says is that we're going to go to a mediator and I've been to mediation before and if we totally didn't like the decision, we didn't do what they wanted. Chairman Hair asked, Sheriff, were you under the impression it was binding or non-binding, or –?

Sheriff St. Lawrence said, I was under the impression that it would go to –, that it would be binding in the final analysis. Now, if –. Chairman Hair said, well, I think we just –. Sheriff St. Lawrence said, – the County Attorney disagrees –. County Attorney Hart said, now, under subsection b of Disputes it talks about semi-annual basis, execution of the agreement, the County and municipalities agree that contested items to the mediation, at the Mediation Center and paying for costs. The mediation is not an arbitration provision. Commissioner Murray said, no, it's not. Commissioner Rayno said, it needs to be in the contract binding arbitration provision. Commissioner Murray said, no, it's not. Commissioner Rayno said, it needs to be in the contract, binding arbitration.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, it was in the packet, I believe, that when you initially talked about this, it was referenced to only the mediation, but obviously we can make that –.

Chairman Hair said, why don't we do this, why don't we approve it with the amendment that it has to be binding arbitration and send it back and if they don't accept that, we'll come back at the next meeting?

Commissioner Rayno said, there's one other thing. We're going to review it on a semi-annual basis. Wouldn't it be better to do it on a bi-annual basis, which would be twice a year? That way we won't get too far along with problems –. Chairman Hair said, semi-annual is twice a year. Commissioner Rayno asked, is it? Chairman Hair said, yeah, bi-annual would be every other year. Semi-annual is twice a year. Commissioner Rayno said, I'm sorry, I thought it was twice a year.

Chairman Hair said, so we had a motion and a second. Did we –, will the motion and the second accept the amendment that it would be binding arbitration? Commissioner Murray said, yes. Commissioner Odell said, yes. Chairman Hair said, okay. Any further questions? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers, McMasters and Thomas were not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve the Jail Services Reimbursement Agreement with each municipality for payment to Chatham County for housing of the cities' inmates at the Detention Center with the amendment that the agreement provide for binding arbitration. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers, McMasters and Thomas were not present.]

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**3. TO GIVE DIRECTION REGARDING DOCUMENT IMAGING AS A TOOL TO IMPROVE PRODUCTIVITY.**

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, Dr. Hair and gentlemen, this is an issue that came up in my performance evaluation and it also presents us an opportunity to recognize the fine work, I believe, that Mr. Leonard has done in laying the ground work for improving the efficiency of the organization. Normally I would present this to you on the Action Calendar and just say, in effect, send it to the unfunded CIP, and certainly that may be your ultimate outcome, but because of the importance you placed on my performance evaluation, I wanted to present it to you right now. But the entire issue of handling paper and records management, though, you know, for a number of years it's been relatively low in priority, obviously with each year and more recently you've received a copy of a memorandum from Susan Prouse, who is the Clerk of Superior Court, we've got to do something, and we've got to do something with some very positive step and obviously trying to help with the \$340,000 and a multi-year lease is very difficult at this time. I need your direction. Right now I would assume that probably you would tell me to put it in unfunded CIP and I will keep you posted to our ability to do that, but Mr. Leonard has identified in each of the affected departments where this could be used. We would be, in effect, with the money there being able to use a lease purchase agreement through GE Capital. It's been recommended by our financial advisor. So everything right now would be in place except the money.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno asked, could we make that part of our cash flow workshop –? County Manager Abolt said, sure. Commissioner Rayno asked, – as to where that money might come from? And also, he gave us a well-defined bid as to what he might need to make this thing happen, but I was curious as to whether or not he utilized any of the resources of the National Association of Counties to possibly get a better purchase price for the technology?

Chairman Hair asked, Mr. Leonard, could you answer Commissioner Rayno's question?

Mr. Lewis Leonard said, typically the Purchasing Department and their efforts, we get basically better prices than the National Association of Counties, especially if you're going to –, if you're not just buying onesy-twoies [phonetic]. If you have a defined program and you're going to buy 35, 40 or 50 or whatever, you get typically a better price than that. Commissioner Rayno said, okay. Mr. Leonard said, and that's looked at. Commissioner Rayno said, that's part of the cash flow workshop.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray asked, Russ [Abolt], this system once it's purchased and in place should eliminate all these records that we –, somebody goes to find a record and the record's not there any longer and it's missing, is that correct? County Manager Abolt said, sure. Give you an analogy –. Commissioner Murray said, we've got a tremendous problem with that right now. County Manager Abolt said, problems with a big capital T, yes. We've got also, I think, an analogy to make. About 10 years ago when the County embarked upon the old issue of computer mapping and got rid of all those maps, this has the same type of impact on this organization.

Chairman Hair said, okay. I think that's the proper direction. We don't really need a motion on this.

**ACTION OF THE BOARD:**

Received as information. Item will be included in upcoming cash flow workshop on December 10, 2002.

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**4. REQUEST FROM JUDGE JOHN BEAM TO ABOLISH POSITION OF ASSOCIATE JUDGE FOR JUVENILE COURT AND ESTABLISH A SECOND POSITION ENTITLED JUVENILE COURT JUDGE. (As of the 3<sup>rd</sup> of December we need funding verification from Danny DeLoach in Superior Court. If received in time, this matter can be acted upon Friday.)**

Chairman Hair said, the note there, of course, we have since received that memo, so the funding is in place. I'll entertain a motion to approve. Commissioner Kicklighter said, so moved. Chairman Hair asked, second? Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers, McMasters and Thomas were not present.]

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve the request from Judge John Beam to abolish position of Associate Judge for Juvenile Court and establish a second position entitled Juvenile Court Judge. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers, McMasters 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.)

Chairman Hair asked does anybody want to pull anything off the Action Calendar? Commissioner Rayno said, yes, sir, 4 and 6-C. Chairman Hair said, 4 and 6-C. Commissioner Rayno said, yes, sir. Commissioner Odell said, 6-B. Chairman Hair said, B, okay. All right, Commissioner Kicklighter. Okay, is there anything else? We've got 4, B and C, 6-B and 6-C. I'll entertain a motion to approve the balance of the Action Calendar.

Commissioner Murray said, move for approval. 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 Rivers and McMasters were not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Murray moved that Items 1 through 6-E of the Action Calendar be approved in their entirety with the exception of Items 4, 6-B and 6-C. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.] Chairman Hair said, the motion passes.

**[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 NOVEMBER 22, 2002, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve the minutes of the regular meeting on November 22, 2002, as mailed. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD NOVEMBER 13 THROUGH 26, 2002.**

**ACTION OF THE BOARD:**

Commissioner Murray moved that the Finance Director is authorized to pay claims for the period November 13, 2002, through November 26, 2002, in the amount of \$3,859,015. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.]

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**3. REQUEST FROM ENGINEER FOR THE DEVELOPER, GENESIS DESIGNER HOMES, TO RECORD STONELAKE TOWNHOMES, PHASE 1, AND ACCEPT THE FINANCIAL GUARANTEE.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve the request from engineer for the developer, Genesis Designer Homes, to record Stonelake Townhomes, Phase I, and accept the financial guarantee. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.]

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**4. REQUEST BOARD APPROVE ACQUIRING THE LITCHFIELD PLANTATION TRACT FROM S.P. FORESTS, LLC (AKA INTERNATIONAL PAPER), LOCATED NEAR THE OGEECHEE RIVER AND GENERALLY BOUNDED BY I-95 AND HIGHWAY 17 FOR THE PURPOSE OF WETLANDS MITIGATION FOR THE HARDIN CANAL DRAINAGE PROJECT AND OTHER ROAD AND DRAINAGE PROJECTS  
[ALL DISTRICTS.]**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you, Mr. Chairman. Pardon my voice as I speak. I've got the Savannah crud, the end of it anyhow, so if I gargle halfway through it's because of that. The property in question is known as PIN #1-1033-02-001, and I'm kind of confused about the value that the County wants to pay for the property at close to \$1900 per acre because the initial value of the property as it was returned by a sustainable forest, which is better known as International Paper, for three years in a row was \$201,490, and that was for 615 acres. The County is wanting to buy 400 and some-odd acres for a purchase price of \$950,000, which is an appreciation of about \$700,000. This value of \$201,400 [sic] on this property was upheld by Vickie McCuen, an appraiser for Chatham County, as she visited the property, according to the tax records, on April 12, 2002. That was this year. She said this property, 615 acres, was worth \$201,490, but we want to purchase the property now, less [inaudible] and some-odd acres, for \$950,000. It's confusing on the property records card because on page two it shows the value of that property to be \$843,000 for a hundred, and sustainable forest only paid \$2,701 taxes on that property, and I'm sure that Frank Murray has some constituents that would love to pay \$2,700 on 600 and some-odd acres if they could. Commissioner Murray said, certainly. Commissioner Rayno said, and the PIN count -, it just -, it really doesn't make sense, and as you look further into that property records card, it shows the value of wetlands to be \$500 an acre, but again the County wants to pay \$1,900 and some-odd dollars for an acre of wetland. You know, I'm kind of curious as to why there's such a discrepancy between the two values.

Chairman Hair asked, Mr. Bungard, could you -?

County Engineer Al Bungard said, I'll try to answer some of it. One, I cannot explain how the Tax Assessor's office comes up with their values. All of our property acquisitions for whether it be road, drainage or anything else is based on fair market value appraisals by master appraisers. In this case, there were two appraisals done. One valued somewhere around, what, 800 -. Mr. Billy Gordon said, 845. County Engineer Bungard said, \$845,000, and the other one was 1-point something million -. Mr. Gordon said, 1.15. County Engineer Bungard said, million and then the negotiated price with International Paper was \$950,000 with consideration for carving out the uplands part, which they want to retain for development, and we had to provide for the two billboards and the tower site, we had to provide access. The bottom line of all this, however, is that, you know, we do it at the fair market value appraisals. They are checked. We've used this same process for all of our projects and, yes, I noticed the same thing, you know, in their process. I believe that that 834 value in the appraiser -, the tax assessor's office is using some sort of mass computer program. It is not based on going out like our certified appraisers do checking the value. Paying \$1,800-\$1,900 for wetlands is not unusual. We have several condemnations pending, the GDOT, does for similar cases not far from here where the gentleman wants much more than that and on the north side of the County. Chairman Hair asked, and these were independent appraisals, weren't they? County Engineer Bungard said, these were independent appraisals.

Commissioner Murray asked, who were the two firms that did this? Mr. Gordon said, Lee Stewart did the appraisal for the County, Neill McDonald did the appraisal for IP. Commissioner Murray said, okay. Were you through, Jeff [Rayno]?

Commissioner Rayno said, I just have -, I have to wonder why an adjacent property just to the north of the questioned property shows a lake and a pond at a value of \$1,000 per acre. If the County's screwing up the appraisal of the properties on the Westside, which were brought up by Commissioner McMasters long before he became a Commissioner. There was a scandal that these properties were undervalued and at the time that they were sold, they were sold at a higher value, which means that the County's losing between 15 -, about \$15 million a year in tax revenue, and you wonder why we've got a shortfall, and I think there's something that needs to be looked into here. I feel very uncomfortable approving spending taxpayer dollars, \$1,900 an acre, when we saw the appraised value was \$500 an acre. There's a question here: What's the actual value of this property, and if there's other properties owned by the sustainable forest, where they're paying \$500 per acre for wetlands, there's something wrong. It was -, brought this up a year ago and we were told it was fixed, but apparently it's not fixed.

Chairman Hair said, Commissioner, I've just got a question. If we don't accept the two independent appraisals, what would you suggest would be a way of determining the proper value? I mean, we've already gotten two independent appraisals. What else would you suggest that we do? Commissioner Odell said, I'm not certain that Jeff [Rayno] is saying that. I think what Jeff [Rayno] is saying is that when it comes to our being paid, we're underpaid; when it comes to our purchasing, we're overpaying. Chairman Hair said, I understand his point, Commissioner Odell, but my -, what's the solution? My question is we've already got two independent appraisals -. Commissioner Rayno said, I think we need to stop and look at it and talk about it before doing something today.

Commissioner Odell said, we need to look at all commercial properties similarly situated, and if we have to bring in commercial appraisers through the Tax Assessor's office to do this in one fell swoop, then financially I think it would be in our best interest to do this. I share the concern that if they're paying one rate and we're buying it from them now and they want several times over, how to get to the bottom line of that is -, and your comment was that we are not individually going out with -, and looking at the property necessarily, it's a computer-generated -, we can solve that by one fell swoop doing a commercial evaluation.

Chairman Hair said, I've just got -, I've got one -, I've got one question though. I'm not so sure we're not trying to solve a universal problem by attacking a single issue. I -, my question to Mr. Bungard is, this is mitigation relative to a drainage project and if we don't do this, is this going to impact our drainage improvements? I mean, I think -. County Engineer Bungard said, oh, absolutely. We started this process, some of you were here about -, I've been here five years -, about three to four years ago, I recognized we were running out of wetland's mitigation opportunities. You may have heard phrases like, well, for every acre we impact, we have to acquire ten. They talked about ratios. One way you get better bang for the buck is you buy larger tracts so you don't have to have as much buffer to get that effective ecosystem. We partner with the Corps of Engineers. The County spent \$35,000 and they spent \$35,000,

and we surveyed all of the wetlands that we jointly knew of in the County. They were visited by EPA, Fish and Wildlife, National Marine Fisheries, to come up with a priority list based on the value added, preservation credits, enhancement credits, restoration credits. We identified there were a few more projects that –, where we could get more bang for the buck. They were all going for \$2,000 an acre. That one of those is in litigation now for a condemnation for a road project up in the northeast. So we can't condemn for wetlands mitigation, we had to go looking for willing buyers. This was one of the sites identified by the EPA and the Corps. If we don't do this, it puts the permit for Hardin Canal in jeopardy, for eight other projects we've already identified wetlands impacts for.

Chairman Hair said, I –, I mean, I don't have any problems with the concern that Commissioner Rayno has or Commissioner Odell has. I just think this –, attacking this single issue is the wrong way to go about it. I think to delay a drainage project because of this –, I would support an overall look, you know, at the problem and try to come up with a universal solution, but I think to defeat this motion this morning and delay a drainage project to sort of hold it hostage to get action on the other issues would not be the appropriate thing. I think we can do both. I think we can approve this and then make some motion that would attack the bigger issue, but I would hope –.

Commissioner Rayno said, I'll bet you there's plenty of taxpayers in Chatham County that have wetlands that are valued at low value who would love to get them sold for \$1,900 an acre –. Chairman Hair said, Commissioner Rayno –. Commissioner Rayno said, and I'm sure they would come right –. Chairman Hair said, I don't disagree with that. I'm just saying that –. I don't disagree with that. Commissioner Rayno said, I'll bet you we could get a whole list of them if we asked for it. Chairman Hair said, I just think we're going about it the wrong way. Commissioner Odell and then Commissioner Kicklighter.

Commissioner Odell said, just for clarification. My goal is not to hold this up. I think looking at how it's tied to other projects that already are in existence, that we have to approve this. That's a separate and an aside issue. I think we need to approve this today. My concern nevertheless is that where we have one department who's purchasing land and it appears to be at a premium, although it's based upon fair market certified appraisal, and on the other hand we have the taxing arm that says that it's worth a tip of that, that gives me some serious concern. But I'm not interested in holding the project up. I think we go forward with the project, and my comments are not directed to you guys. You've got to do what market demands you do. Okay, my comments are not directed towards you. You've got to do what the market demands that you do. What we need to do is to make a decision and say we're going to look at all of the commercial property because this is not an isolated problem where we buy high but they tax low. That's a legitimate concern, and I think that everyone up here would be interested in knowing that there are properties out there that are substantially under-assessed, and the impact of that is that every homeowner pays more. I support number four and I think we need to do it, but I also think that soon thereafter we need to look at the commercial.

Chairman Hair said, I totally agree. Commissioner Kicklighter and then Commissioner Murray.

Commissioner Kicklighter said, thank you, Mr. Chairman. I agree with you. I believe that we all know the problems we've had in the Assessor's office and we've taken actions so far that we felt that we could take to better that particular office, and, you know, any business –, well, I won't say any, but I guess that most business owners and most residents in Chatham County, if they felt that their property was valued at a lower level to pay their taxes than they could sell it for, most of them are not going to rush out and tell the County to tax them more, that they could sell it for more. And, you know, this is one of those cases. Yeah, we need to bring in whoever to revalue, reappraise the commercial properties and get that in line, but we can't –, I agree we can't hold up this process of the drainage projects right now.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, I certainly agree with what's being discussed here, but this particular company that owns this land has been in discussions for years about their property. It even cost one of the Board of Assessors' members his position on that board during all this process about their properties being valued at a much lower rate than other properties throughout Chatham County. You know, I have a hard time –, and I know we've got to have the drainage projects, I'm not trying to stop that –, but I have a hard time when we've got a department within the County that's assessed a piece of property and we're going to pay, you know, four or five times more than what that property's assessed at when we buy it back from them, yet we haven't been receiving our revenue on the taxes for that property. Now, that's not your problem, that's not your department, I understand that. I guess my question is, how quick does this have to be approved in order to move forward with what you're doing? I mean, is this something that has to be done today or can we wait until the next meeting or the first meeting in January? I mean, is it something that is pending that either we do it now or we don't do it at all? County Engineer Bungard said, it's on the table until –, they want to close it before December 31<sup>st</sup>. County Attorney Hart said, yeah, and my understanding is that the deal that's been offered is to –, it's through December 31<sup>st</sup>. I'm sure that has to do something with their internal –.

Commissioner Odell asked, offered by the seller? County Attorney Hart said, the seller. Commissioner Rayno said, because after the 31<sup>st</sup> they would have to file again the value of the property and they would have filed \$201,000 as the value of the property. County Attorney Hart said, I don't think it has to do with the taxes. I mean –. Commissioner Rayno said, I think it has everything to do with the taxes.

Chairman Hair said, well, you know, Commissioner Rayno –. Commissioner Murray said, I'm just trying to get some information on it. I understand where we're coming from and I'm not going to vote to stop one of our projects like that, the drainage that we've been working on for years, but at the same time I and I think the general public's going to have a hard time with the County purchasing property, buying it from a company that's been valued and they've been paying taxes on it like that, too. So, you know, we've got a ball up in the air and we don't know which way that wind's going to blow that ball.

Chairman Hair asked, Commissioner, can I try to at least to make a comment about your comment. I do think that –, I just don't –, we're not going to have the overall issue solved two weeks from now or four weeks from now, and so we still have to deal with the overall issue. I don't think delaying this today or delaying it until January is going to –, it's not going to either speed up or delay a look at the overall issue.

Commissioner Rayno asked, are you going to pay \$1,900 for an acre of property when the neighboring property has a value of \$1,000 an acre? Chairman Hair said, you know, I find it –. County Engineer Bungard said, we haven't appraised the neighboring property in the same way. I've acquired over a thousand properties since I've been here and I venture to guess that most of those are the tax assessed value is a lot less. We have to explain this all the time during right-of-way acquisition for roads. Commissioner Rayno said, it's in the same tax neighborhood.

Chairman Hair said, Commissioner Murray has a –.

Commissioner Murray said, just a couple more comments. The two local firms that y'all had appraise that property do good appraisal work. I don't have a problem with their appraisals. The problem, as we've always known, is lying in one department within the County government when it comes to commercial properties. That is supposed to be worked, but we all sit here today and we say that we want them to go out and we want them to reassess all this property. When we say that, we're going to have to be willing to give them the funds to do that, and if it means going out and hiring firms to go out and do it other than just their own staff, then we're going to have to come up with the funding to do it in order for this to work, and as long as we all understand that, I think we can move forward with it.

Chairman Hair said, I just –, a final comment and then I think Dr. Thomas and then I hope we're ready to vote, but, you know, I want to stipulate up front, I own no stock in International Paper. I have no financial interest whatsoever, but I will say this. In my six years in office, I have had numerous people, and I mean this in the hundreds of people call me when assessment notices go out about the fact that their assessments are what they believe is wrong, and I have –, the same question I ask every single one of them –, will you sell it for that assessment, and you know what? In six years I don't have a single property owner that will tell me, after they've just got –, spent 30 minutes complaining about their assessed value –, will tell me that they will not sell it for the assessed value. So I don't think –, I don't think –, what I'm saying is, this issue is no different than homeowners or they get an assessed value, but they wouldn't come close to selling it for the assessed value, yet they think the assessed value is too high. So I just think this is a bigger issue and I totally support –, I appreciate Commissioner Rayno bringing this up. I think we do have to deal with this issue, but I think we need to approve this, make a motion to approve this and then if we want to make a motion to take some action on the bigger issue, we need to do that, but I would hope we would not delay this today.

Commissioner Kicklighter said, I make a motion to approve. Chairman Hair said, approve it. Second? Commissioner Thomas said, second. Chairman Hair said, oh, Dr. Thomas first and then –. Commissioner Thomas said, well, I was just going to make a –. The Clerk said, I'm sorry, was there a second? Commissioner Thomas said, I was just going to make a motion.

Chairman Hair said, okay, we have a motion. Commissioner Kicklighter said, I make a motion to approve. Commissioner Thomas said, second. Chairman Hair said, and Dr. Thomas will second. Okay, Mr. Hawkins.

Youth Commissioner Hawkins asked, who would be responsible for financing the outside appraisal? Chairman Hair said, the County pays for that.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I really don't want us to let this slip away. I think we need to approve this, but –. Chairman Hair said, that's what the motion is. Commissioner Odell said, concurrently we need to next look at either giving direction to the Board of Assessors to –. Commissioner Thomas said, right, that's exactly –. Commissioner Odell said, – to determine a number to do a mass commercial appraisal as quickly as possible. You know, it –, Jeff [Rayno] and I argue a lot, but I agree with Jeff [Rayno] on this issue.

Chairman Hair said, let's approve this motion and make that as a separate motion. Okay, all those in favor of the motion on the floor vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioners Murray and Gellatly voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Rivers and McMasters were not present.] Chairman Hair said, now I'll call on Commissioner –.

Commissioner Rayno said, I'm asking for reconsideration. Let the minutes show –. Chairman Hair said, okay, ask for reconsideration be entered in the minutes. Now I'm going to call on Commissioner Odell to make a separate motion.

Commissioner Odell said, I guess I really need –, I move that we request that the Board of Assessors to review the potential costs of contracting with certified commercial appraisers to at one point evaluate all commercial properties in Chatham County and that's the motion, but the purpose of the motion is to ensure that there is some correlation between what those people try to sell to us and what they want to pay taxes on.

Chairman Hair asked, do we have a second to that motion? Commissioner Thomas said, I'd like to second –, I'd like to second that motion. Chairman Hair said, we have a second. Commissioner Murray said, let me ask a question. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Commissioner Odell, you didn't mention anything about the funding. Are we going --. Commissioner Odell said, they'll come back with a number. Commissioner Murray said, oh, okay. Commissioner Odell said, but it's going to be understood, we're going to have to come up with that number.

Chairman Hair said, yeah, the motion is to ask the Board of Assessors to give us a number of the cost to do that, and then at that point we would have to come up with the money. All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

1. Commissioner Kicklighter moved to approve acquiring Litchfield Plantation tract from S.P. Forests, LLC (aka International Paper), located near the Ogeechee River and generally bounded by I-95 and Highway 27 for the purpose of wetlands mitigation for the Hardin Canal Drainage Project and other road and drainage projects. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rayno, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioners Murray and Gellatly voted in opposition. The motion carried by a vote of five to two. [NOTE: Commissioners Rivers and McMasters were not present.]
2. Commissioner Rayno, having voted on the prevailing side of the previous motion, asked that it be entered on the minutes for reconsideration at the next meeting.
3. Commissioner Odell moved that the Commission request the Board of Assessors to review the potential costs of contracting with certified commercial appraisers to at one point evaluate all commercial properties in Chatham County. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.]

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**5. REQUEST BOARD DECLARE AS SURPLUS TWO SUBSTANDARD-SIZED VACANT LOTS IN THE CITY OF SAVANNAH AT 417 SOUTH STREET AND 1217 E. BOLTON STREET, AND AUCTION THE COUNTY'S INTEREST IN THESE PROPERTIES HELD BY TAX DEED. [DISTRICT 2 (BOLTON STREET) AND DISTRICT 5 (SOUTH STREET).]**

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve the request to declare as surplus two substandard-sized vacant lots in the City of Savannah at 47 South Street (PIN 2-0074-53-001), described as "Pt. of Lot 204, Colding Ward," and 1217 E. Bolton Street (PIN 2-0041-16-006), described as "Lot 112 and Lot 113, Hull Ward," and auction the County's interest in these properties held by tax deed. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.]

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Contract for the removal and replacement of submarine cable at the Islands Expressway Bridge and the Skidaway Narrows Bridge	Bridges	Myrick Marine Contracting Corp.	\$45,186	General Fund/M&O - Reserve for Deductible
B. Annual revenue-generating contract with automatic renewal options for four additional one-year terms to provide concession service for the Tybee Pier and Pavilion	Parks and Recreation	Sold Cold, Inc.	\$30,000 year revenue to County	Revenue Producing
C. Change Order No. 1 to the annual contract to provide insurance agent/broker services for additional services	Finance	Hilb, Rogal & Hamilton	\$7,000	Insurance and Surety Bond Premiums
D. Non-typical replacement vehicle	Sheriff	J.C. Lewis Ford	\$21,995	General Fund/M&O - Sheriff

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
E. Change Order No. 1 to the contract for the University Drive relocation, Phase I Project (Armstrong Atlantic State University) for additional construction services	Engineering	Triangle Construction Company	\$8,332.85	•GDOT •Armstrong Atlantic State University (100% reimbursable)

**As to Item 6-A through 6-E, except Items 6-B and 6-C:**

Commissioner Murray moved to approve Items 6-A through 6-E, except Items 6-B and 6-C. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.]

**As to Item 6-B:**

**Annual revenue-generating contract with automatic renewal options for four additional one-year terms to provide concession service for the Tybee Pier and Pavilion; Parks and Recreation; Sold Cold, Inc.; \$30,000 year revenue to County; Revenue Producing.**

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I received a phone call last night from Mr. Todd Morrison and he would like to address the Commission on this issue here if I could ask him to come forward. They're the current concession stand –. Commissioner Rayno said, Riptide Concessions. Mr. Morrison said, yea, right. Commissioner Kicklighter said, yeah.

Mr. Morrison said, Riptide. I just wanted to bring it to the Commission's attention that before this bid was let that we had a unsolicited proposal that was more revenue to the County than what was bid. I know there's been a lot of talk about how much the pier was costing the County, and our unsolicited proposal would have just about broken the County even on the money, and –.

Chairman Hair asked, can I ask you a question, Mr. Morrison? Why did you not bid on the contract then, enter that as an official bid? If you were offering an unsolicited proposal providing more, why did you not bid on the job? Mr. Morrison said, it was late. Chairman Hair asked, what was late? Mr. Morrison said, my bid. Chairman Hair said, oh, you –, you were just late in the bid. Mr. Morrison said, right. Chairman Hair asked, well, why were you late? I mean, you had 30 days to bid it. Mr. Morrison said, well, I had the dates mixed up on my calendar. I thought it was on a Friday and the bid was on a Wednesday, but this –, this bid, the unsolicited proposal was put in approximately six months before we bid it out because we were all talking about the money that the pavilion was actually costing the County, and so that's why I decided to come up with a proposal to try to break the County even. Not to make any money on it, but to break it even is all I was trying to do. I just wanted to bring it to your attention. Chairman Hair said, okay. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I believe from my conversation it's a difference of us actually losing like 20 more thousand a year or so by approving this rather than the unsolicited bid, so I don't know. Of course, we know the proper thing to do is –. Chairman Hair said, what I'm thinking is, we might have a legal issue here. I'm not sure we can –, but we could certainly rebid it –. Commissioner Kicklighter said, yeah. Chairman Hair said, we could just offer a rebid, but I don't know that we can –, I don't think at this point we can negotiate with anybody after the sealed bids have already been in. Commissioner Kicklighter said, that's what I'm saying. Chairman Hair said, I think we –. Commissioner Rayno said, you can reject all bids. Chairman Hair said, we can reject all bids and rebid it. That would be the only thing legally, I think, we could do. I don't think we could tamper with the bids or any way change the bids.

Commissioner Kicklighter asked, well, can I make a motion to reject all bids and rebid? Chairman Hair said, okay. Do I have a second to that motion? Commissioner Rayno said, I'll second it.

Chairman Hair asked, Commissioner Murray, do you have a comment?

Commissioner Murray said, yeah, I do. Well, no, that's fine. I was going to make a motion to do that, but I just –, no, I won't comment right now because we are in the bid stuff, so –.

Chairman Hair said, all right, we have a motion and a second to reject all bids and rebid the process. All those in favor vote yes, opposed vote no. The motion carried unanimously.. [NOTE: Commissioners Rivers and McMasters were not present.] Chairman Hair said, the motion passes. Thank you very much. I appreciate you coming.

**As to Item 6-C:**

**Change Order No. 1 to the annual contract to provide insurance agent/broker services for additional services; Finance; Hilb, Rogal & Hamilton; \$7,000; Insurance and Surety Bond Premiums.**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you. Has our contract expired? According to some of the literature it said December 1<sup>st</sup> was the renewal date. County Manager Abolt said, that was the renewal date for the property insurance I referenced. Commissioner Rayno said, yeah. Mr. Chuck Voelker said, that's correct. That's renewal for property. Commissioner Rayno said, yeah. Has it –? Mr. Voelker said, it expired in October. Commissioner Rayno asked, so we're on riders, just month by month? Mr. Voelker said, they're just –, they're extending it until we take action on it.

Chairman Hair said, I'll entertain a motion to approve.

Commissioner Rayno said, no, no, hold on. I just want to ask a couple more questions. Chairman Hair said, sure. Commissioner Rayno asked, did you ever take a look at what the AA –, ACCG might offer in terms of insurance? Mr. Voelker said, yes, we –, we do. Also, the broker does too. Commissioner Rayno asked, are you a representative for HRH? Mr. Voelker said, no. County Manager Abolt said, no, County Risk Manager. Commissioner Rayno said, oh. It just seems to me that it would be nice to see a comparison. How much was the increase of the premium from last year? Mr. Voelker said, we have not –, they haven't finalized the premium yet because we made some additions to the schedule, but it's going to be approximately 15%. Last year we paid –, the premium was \$350,000, so you're roughly –, just a little over \$400,000. Commissioner Rayno asked, were we given notification 45 days prior to that increase or we don't know yet? Mr. Voelker said, we were given notification in July that this increase could be upwards of 100%. It came in at 15%. Commissioner Rayno asked, and what did the ACCG offer us in terms of a proposal? Mr. Voelker said, ACCG did not offer. Commissioner Rayno said, who? Mr. Voelker said, because of the –, because of 9-11 and because of the insurance market, it's very hard or difficult. Most of the insurance companies did not offer because they could not buy re-insurance. The existing carrier did offer a renewal and they renewed it at 15% increase, which is –, it was –, it's unheard of in today's market, only 15%. Commissioner Rayno said, I'm sure you're aware that ACCG offers a self-insured program that doesn't seem to be suffering from the hard market the commercial sector is experiencing right now. Mr. Voelker said, property insurance doesn't really lend itself to self-insurance. It's –, we self-insure many aspects, but one of the things we don't self-insure is property. Commissioner Rayno said, well, according to them, it's working quite well and I think it would behoove the County, since we're in a financial situation, to look at this as part of our cash flow workshop, but I'd like to table it until that point in time.

Chairman Hair said, motion is to table. Does that have a second to table? No second. Commissioner Gellatly said, second. Chairman Hair said, oh, we have a second to table. Okay, motion to table is not debatable. All those in favor of the table vote yes, opposed vote no. Commissioners Rayno, Murray and Gellatly voted in favor of the motion. Chairman Hair and Commissioners Odell and Thomas voted in opposition. The motion to table failed as a result of a tie vote of three to three. [NOTE: Commissioners Rivers, McMasters and Kicklighter were not present.] Chairman Hair said, the motion to table –. Everybody voted? Motion is a tie, which means the motion fails. Okay. I'll entertain a motion to approve.

County Manager Abolt said, Mr. Chairman, remember this is for the agent of record. This is a service of the agent of record. Chairman Hair said, right.

Commissioner Rayno said, but we haven't renewed yet though. Chairman Hair asked, would you like to make another motion, Commissioner Rayno? Mr. Voelker said, no, we have not. Commissioner Rayno said, I'd like to make a motion that we bid out for insurance for this commercial property of the County. Chairman Hair said, all right, does that motion have a second? Chairman Hair said, the motion is –.

Mr. Voelker said, the contract has been renewed and effective was October 19.

Chairman Hair said, Commissioner Rayno has made a motion to rebid the property insurance bid. Is that your motion? Commissioner Rayno said, yes. I'm just very concerned that the broker wants to raise their fees simply because we didn't carry flood insurance. It's not our fault that we chose to not carry flood insurance and it's not our fault that we chose to not carry flood insurance and it's not our fault that they're going to lose commissions from that, and the fact that they're trying to make up their money because they're losing money off the County's taxpayers I think is not right, and I think if we go with the ACCG, we actually don't even have to bid out with them. Just like Blue Cross/Blue Shield, we can just simply go to them if we choose to do that. Mr. Voelker said, property coverage has already been bound. It is bound. Commissioner Rayno asked, it is? Well, then why did it say in the thing that the renewal date was December 1<sup>st</sup>? Mr. Voelker said, because that's when the property would expire, but December 1<sup>st</sup> has come and gone. We had to make a decision as to whether we wanted property insurance or not. County Manager Abolt said, again you're not –. Mr. Voelker said, there's only a 15% increase so we approved the –.

County Manager Abolt said, again you're not bidding that out. You're bidding out the services of the agent of record, who works for us, gets no commission with the exception of flood insurance for the work that he does, or she does. This isn't –, you're not –, you're not receiving or acting on a bid for the insurance. You have a professional relationship with a person, a firm that supposedly they're doing the best job for us to get the best premium covering our needs. Period. That's all you're doing today.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, compromise. We've already been bound as far as insurance. Is that your comment? Mr. Voelker asked, sir, would you repeat your question? Commissioner Odell said, we have insurance. This \$7,000 is simply for the agent's fee. Mr. Voelker said, yes, what we had done is we do –, we compensate our broker on a fixed fee, and one of the things that we could not do is we could not exclude the commission from the flood insurance. It's a Federal program and they will not exclude the commission. They have to pay the broker, whomever it is, they have to pay them the commission. So what we have done is we have done a fixed fee for all the other lines of the –, of

business that we do with the broker except for the flood insurance, and they used the flood insurance when they calculated their fee. When they calculated their fee, they calculated in the \$6,461, and that's what they --, they used that to determine their fee on all the other --, that the fixed fee in the other lines of business. When they lost this, then they said, "we would like to make this back because we used this originally in our bid, and now that you have cancelled this coverage, you know --, we lost money." Commissioner Odell said, okay. Mr. Voelker said, and what they want to do is they wanted to get back where their --, back to their original position. Commissioner Odell said, I understand. I guess my position would be that it looks like we need to approve the \$7,000, but as far as next year, when does the policy end? Mr. Voelker said, the policy --, the property policy --. Commissioner Odell asked, when will we be able to do this anew? What would be the first date for us to look at other options as far as --. Chairman Hair said, to change brokers. Mr. Voelker asked, brokers? Brokers? Chairman Hair said, to change brokers. That's what he's asking. Mr. Voelker said, October 19<sup>th</sup>. That would be the conclusion of this --. Chairman Hair said, October 19, 2003. Mr. Voelker said, this contract period, and we would --, we would start that process prior to 10-19. Commissioner Odell said, okay, and I guess my question is, what would we need to do to make certain that our professional association, Association of Counties, that those options could be considered and we would be --, we would have knowledge that they have been considered? Mr. Voelker said, we could notify them that we're going out for an agent of record. Although they offer --, they offer coverages, they don't normally --, they're not normally competitive as far as a broker's fee. We let the broker go to the market on our behalf.

Commissioner Odell said, I'm going to go out on a limb. I think we have to --, I think we are bound to do this, so I'll make a motion to approve C, the \$7,000. Chairman Hair said, okay, I have a motion. Does that have a second? Commissioner Thomas said, second. Chairman Hair said, second. All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.] Chairman Hair said, the motion passes.

Commissioner Rayno said, I'm asking for reconsideration. Chairman Hair said, asking for reconsideration entered into the minutes.

**ACTION OF THE BOARD:**

1. Commissioner Murray moved to approve Items 6-A through 6-E, except Items 6-B and 6-C. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.]
2. Commissioner Kicklighter moved to reject all bids on Item 6-B and rebid it. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.]
3. Commissioner Odell moved to approve Item 6-C. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and McMasters were not present.]
4. Commissioner Rayno, having voted on the prevailing side of the motion on Item 6-C, asked that it be entered on the minutes for reconsideration at the next meeting.

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**XI. FIRST READINGS**

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

None.

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**XII. SECOND READINGS**

1. **PETITIONER, JOSEPH ALLEN, AGENT FOR GLADYS WISE, OWNER, REQUESTING APPROVAL OF A SPECIAL USE TO ALLOW A TANNING SALON WITHIN A PUD-IS-B (PLANNED UNIT DEVELOPMENT-INSTITUTIONAL-BUSINESS) ZONING DISTRICT. THE MPC RECOMMENDED DENIAL. MPC FILE NO. Z-020916-32698-1 [DISTRICT 4.]**

Ms. Charlotte Moore said, the petitioner is seeking a special use, which would be a tanning salon. The property is located on Johnny Mercer Boulevard at the intersection of Whitemarsh Island Drive. The property is surrounded on three sides by an apartment complex. That area is predominantly residential up and down Johnny Mercer Boulevard.

The intent of the PUD-IS-B zoning district really is for institutional types of uses, professional uses, and by that I mean the more traditional types of professionals: medical, law, engineering, in-office uses. The property right now contains a plant nursery and a florist and I believe that both are no longer in operation, and the property also contains a beauty salon. The property was rezoned by the Commission back in March 2002 and at that time a concept plan was approved that showed that it would be an office complex. The future land use designation of the property is commercial office, and that was designated by the Islands Area Land Use Plan that was adopted by this Commission back in 2001. The PUD-IS-B is –, excuse me –, consistent with the land use designation. The MPC did recommend denial of this particular special use because it is not consistent with the PUD-IS-B nor is it consistent with the future land use map designation or the Islands Area Community Plan.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, I would like to move to deny this with discussion. Chairman Hair said, we have a motion. Do we have a second? Commissioner Rayno said, second. Chairman Hair said, second. Chairman Hair recognized Commissioner Murray. Commissioner Murray said, yeah, if y'all have read the write-up on this, it's pretty plan what's going on with this property. We worked with the owner of that property for over two years to come up with a zoning for the property. Everybody was in agreement. We rezoned the property and since then we've had –, each project that she tries to do down there comes up with different things that are not allowed within the zoning. If these people want to put the tanning booth in, and I've talked to the individual that wants to do this, personally. I've told him he needs to go back through a rezoning process if he wants to do it on that property. It is not allowed within the zoning, it is not allowed within the land use plan that we've adopted. The beauty parlor that was put down there is in and it's approved, but it was approved with paved parking and designated parking areas. That's been in there for over a year now and that has not been done. Nothing's been complied with on this piece of property, yet we keep having requests to move forward and do more and more that is not allowed within the zoning and is not allowed within the land use plan, so I would hope that y'all would understand that. There's another development that just started on Whitemarsh Island, it's an office complex. As far as I know, a tanning booth can go in that facility. I don't know that. It's the one that the Savannah Land Company's doing. Ms. Moore said, PUD-MXU. I don't believe a tanning salon would be allowed. Commissioner Murray said, well, maybe it can't, but nevertheless there are places they can do it. This is not one of them and I would hope that y'all would support the denial for it.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter asked, is it a part of the hair salon or a total separate –? Ms. Moore said, it's my understanding that the petitioner wanted to operate the salon on the second floor of the hair salon and it would be a separate business. Commissioner Murray asked, separate business altogether? Commissioner Kicklighter asked, in a separate building or whatever? Ms. Moore said, no, the same building, second floor. Chairman Hair said, second floor of the same building. Commissioner Kicklighter said, so, it would be a separate business. Commissioner Murray said, yes. Chairman Hair said, yeah, separate business. Commissioner Kicklighter asked, could they have not just simply expanded their hair salon and put that in there? Commissioner Murray said, no. Ms. Moore said, no, because that salon was approved with conditions and I believe that they couldn't have more than seven stations. The MPC could reconsider it, but ultimately this Commission has the right to approve it.

Chairman Hair said, all right, we have a motion and a second to deny. All those in favor of the motion vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Kicklighter voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Rivers and McMasters were not present.] Chairman Hair said, the motion to deny passes.

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

Commissioner Murray moved to **deny** the petition of Joseph Allen, Agent for Gladys Wise, Owner, requesting approval of a special use to allow a tanning salon within a PUD-IS-B (Planned Unit Development-Institutional-Business) zoning district. Commissioner Rayno seconded the motion. Chairman Hair and Commissioners Rayno, Murray, Odell, Gellatly and Thomas voted in favor of the motion. Commissioner Kicklighter voted in opposition. The motion to deny carried by a vote of six to one. [NOTE: Commissioners Rivers and McMasters 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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**EXECUTIVE SESSION**

Chairman Hair said, for the first time in my memory, we have no executive sessions items.

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**ADJOURNMENT**

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 10:10 a.m.

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

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

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