

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, DECEMBER 20, 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 20, 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
 Joe Murray Rivers, District Two
 John J. McMasters, District Three
 Harris Odell, Jr., District Five
 David M. Gellatly, District Six
 B. Dean Kicklighter, District Seven

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

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YOUTH COMMISSIONERS

Chairman Hair welcomed the following Youth Commissioner who was in attendance: Ms. Crystal Tyson, a Junior at Johnson High School.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. PROCLAMATION FOR IDELLA O'NEAL ON HER RETIREMENT FROM THE LIBRARY.

Chairman Hair read the following proclamation into the record:

WHEREAS, Chatham County is privileged to have dedicated employees of high caliber and in that regard, we recognize Idella O'Neal, an employee of the Savannah Public and Chatham-Effingham-Liberty Regional Library; and

WHEREAS, Idella began her career with the library on January 2, 1971 as a Library Assistant at the Store Front Branch Library Project of the Model Cities and was promoted to Senior Library Assistant and then Library Assistant II; and

WHEREAS, Ms. O'Neal is hailed as an excellent story teller and has been praised for her programming for young adults and senior citizens. Her versatility afforded her the opportunity to work at several libraries and she ends her career as the Branch Manager for the W. W. Law Branch; and

WHEREAS, she recently received the Library's top award for Outstanding Employee for her cheerfulness and the great materials she puts into her programs.

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

IDELLA O' NEAL

for over thirty-one years of dedicated service to the Savannah Public and Chatham-Effingham-Liberty Regional Library and extend warm wishes for a happy, healthy, long retirement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 20th day of December 2002.

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Ms. O'Neal said, good morning everybody. I'm not a speaker. I didn't know I would have to do this, but anyway I thank God for the years that I worked with the Library and I have enjoyed every moment, and I don't know —, I don't have words to express all the gratitude and the graciousness that I have shared with all my dear friends, and I just want to thank you for being so kind. Chairman Hair said, thank you. Thank you for your service.

Mr. Bill Johnson said, Commissioners, I told the staff yesterday at Idella's party that I like to think of the Library as a group of very good people trying to do the right thing and that Ms. O'Neal is really a shining star among us. She's one of the best of us. I think if the devil came into the W. W. Law Branch Library and spent ten minutes with Idella O'Neal, he'd leave a better person. Ms. O'Neal said, thank you. Mr. Johnson said, Idella, on behalf of the Commissioners we'd like you to have this [a Chatham County lamp]. Ms. O'Neal said, oh, thanks. Thanks very much. I will cherish this the rest of my life.

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2. RECOGNITION OF EXCELLENT WORK BY PARKS MAINTENANCE CREW: HUBERT JOHNSON, CREW CHIEF; JULIUS FRAZIER; BARON "FREDDIE" FULGENIO; JAMES GARLAND; GREGORY WALKER; MICHAEL WASHINGTON; CALVIN WILLIAMS; AND NATHANIEL WILLIAMS.

Chairman Hair presented certificates of recognition to Messrs. Hubert Johnson, Crew Chief; Julius Frazier; Baron "Freddie" Fulgenio; James Garland; Gregory Walker; Michael Washington; Calvin Williams; and Nathaniel Williams, as follows:

Maintenance Worker's Recognition Program
Awarded to

(Name of Maintenance Worker)

In Recognition of Outstanding Performance in Maintenance
and Care of Recreational Facilities in
Chatham County
This the 20th Day of December 2002.

Dr. Billy B. Hair, Chairman
Chatham County Commission

County Manager Abolt said, Dr. Thomas and gentlemen, you will recall that we initiated this several months ago to put emphasis on the value of our top employees in the area of Parks Maintenance. Mr. Lipsey has done an outstanding job. There is very much an unbiased evaluating committee made up of people including our Extension Agent and other departments to look at the quality of work and make a judgement, and these gentlemen are here to testify we've got some good people working for us.

Mr. Al Lipsey said, I would just like to say thanks very much for the opportunity to recognize these guys. They work hard in trying to keep our parks in good shape even though they work shorthanded, they still do a tremendous job and we appreciate you recognizing it.

Chairman Hair said, thank you, Al [Lipsey].

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3. CEMA ACTIVITY UPDATE BY PHILLIP WEBBER.

Chairman Hair recognized Mr. Phillip Webber.

Mr. Webber said, I don't know if I'll be able to read this with those lights out so we might want to hit one of them. Chairman Hair said, I don't know if that's an omen or not, you step up to the podium and the lights go out. Mr. Webber said, I don't know what's up with that, but thank you, Dr. Thomas, Dr. Hair, members of the Commission. Thank you for having me here today. I'm excited to be here. I know it's a festive time of year and Emergency Management is not necessarily a festive subject, but I hope that you find presentation not only brief, but informative. I wanted to bring you up to date on some of the major initiatives that we're working with with CEMA because of the far-reaching impact in the community, and you'll be hearing more about them in 2003. So this will kind of quick start next year. It's by no means a comprehensive list of our activities, but nevertheless it's the stand-out things that are going on. Next slide. I'm going to start with Federal initiatives, I'll go to State and then I'll talk about some local initiatives that we're involved in.

First, the Citizen Corps Council. You may remember at the —, if you took in the President's state of the union address, he talked with us about Freedom Corps and as part of that created Citizen Corps Councils. Those are designed to engage the volunteer community in support of emergency services in communities throughout the country. We perked up and listened to that as communities around the country did and began to do the ground work for developing a Citizen Corps Council. Later it became less of a suggestion and more of a directive from the Federal government, so we were glad that we were a little bit ahead of the game. Next. The Citizen Corps Councils are made up locally of we have developed a council and appointed members to it. They are United Way 211, Police, Law Enforcement [inaudible], Fire, Health, private business, EMS and media. It's a small group that —, a corps group that we're —, head up these four initiatives that I'm presenting here. First, there's Community Emergency Response Teams, or CERT. That's a national program. It's —, you may be familiar with it, Commissioner McMasters, in California. It's pretty popular there. Volunteers in Police Service, Medical Reserve Corps, and Neighborhood Watch Groups. We wanted to be very careful when we engaged the volunteer community that there wasn't redundancy and that we went with more than just these four. There are many, many volunteer opportunities in our community. That's why we engaged the services and the partnership of United Way 211. They probably better than any other agency that I know of have just a huge list of opportunities to serve in our community. So people can simply dial that number 2-1-1 and the operators there can place them in the appropriate volunteer opportunity. What we'll be doing as the Community Citizen Corps Council is trying to build up and develop these four particular programs. The primary one is the Community Emergency Response Team. That will be headed up by our fire departments and we are engaged in training the trainer for the CERT programs and we'll house those with our fire departments throughout the County, different municipalities, and

as we build on these, you'll be hearing much more about them in the media and advertising to draw in volunteers as the months go by in 2003.

Our next initiative is a State-driven initiative. Director of Georgia Emergency Management Agency, Gary McConnell has developed Regional All Hazard Councils. There are eight of them in the State of Georgia. We are in Region 5. That is a 13-county region for GEMA. The purpose here is to develop —, is to establish a regional approach to emergency planning and emergency response. The different makeup is somewhat of a Noah's ark of emergency response and community makeup. We have two EMA directors from the region, we have two police chiefs, we have two fire chiefs, we have two different components. We have two elected officials, Commissioner Gellatly is a member appointed by GEMA of the Regional All Hazard Council, as well as Mayor Parker. It's been well-attended. We've had two meetings. I was appointed as Chair of that committee by Mr. McConnell and we're taking some baby steps. This is new ground. You know, people are working in municipalities and working in the communities is a long-standing process, but to branch out beyond your county and develop regional plans is a really new concept. And I'm convinced that —, is there another slide to go with this? I'm convinced that it will change the way we look at emergency response, I think it will change the infrastructure of the emergency response community because they'll be talking about how can you reach communities beyond your own borders. We're already seeing that, I think, with Savannah Fire. They are now a Regional Hazmat Team and respond out of the County. You're seeing that with mutual aid agreements that we're all seeing and signing throughout the State. So the Federal government with money passed through the State is willing to fund these opportunities, but they want you to be able to respond outside your borders. So regional delivery of service is what it's about as an information sharing component, a preparation component and a response component. We've got a lot on our plate with that group. Next.

That brings us to local planning, and this is an older concept that's coming up on 10 years old and I can't believe it, but it's the Local Emergency Planning Committee. It was established in 1993 by this body and it was designed in the scope of work to deal with hazard material issues. Hazardous material in our port, hazardous material in transportation by rail and by vehicle. It's a huge issue in Chatham County. It's a well behaved group and a very productive group, but nevertheless after Powell-Duffryn and some incidents, LEPC was at the forefront of planning for hazardous material incidents in our community. I want to report to you that that group is very healthy and very productive and is very well attended. It's part of my encouragement and part of my I guess enjoyment with that group is the heavy business and industry involvement. It's not just the emergency response community, the police, the fire, the EMS, although that's a huge —, of huge importance. It engages the business community and that's been my big mission field since I took over as Director of CEMA, so it's well attended and I wanted to just bring you up to date with them. I presented —, I've been the chair of that committee for a couple of years and I presented to them at the last meeting —, some of you attended in this room —, that we broaden our scope of work, and this will come before you at a future meeting because it will be for your final approval, that we broaden our scope to reach beyond the Hazmat issue and develop all hazard planning. That group is much more productive than in times past, not to say that they haven't done some things in times past, but we're more cooperative, we're a better team than we ever were. It's time to broaden our horizons and take on the all hazard planning to leverage the talent and the energy of that group. So I'm very encouraged by that and I think a lot of good things will come out of that group in the years to come. Next.

Finally, it brings us to a 2003 mitigation planning initiative. This is a —, one of those funded State mandates. Simply put, this plan will be developed in 2003. It will encompass the entire County and all the municipalities, and you can read that slide as well as I can. It's identifying the critical infrastructure and profiling hazards. A lot of that's already been done and a lot of that is already out there. This process will be gathering it together under one cover and, secondly and more challenging, it will be to identify mitigation strategies for our critical infrastructure for the years to come. Now this is something that has not been accomplished on this scope in modern times in this community. It is a huge undertaking for our staff. We do —, we did receive the funding for it in the way of grant funds for 2003 and we plan on doing it in-house. We are not outsourcing that. We're going to do it with CEMA staff along with our good friends behind me and for every municipality in this community. That's some pretty heavy lifting, but we feel like we'll be much more educated as Emergency Management Program Managers and we'll be better to serve the community. All of this is designed —, as you'll see, some of it is Federally mandated, some of it is State mandated, but we're —, and some of it's just local initiatives, but it's all designed —. One other thing on this one before I close is that communities that don't do this will not be in keeping with State and Federal regulations. They will not be able to receive or not be eligible for disaster assistance funds or grants for that matter in the years to come. So it's very important that we accomplish this. But, you know, it's not about just being mandated to do something. We're doing these things because it's the right thing to do. We want to be a step ahead and we want to place the agencies that we serve and the citizens that we serve in a position to be looked at favorably when the Federal government looks for places to invest in communities through the State, and we think that we're doing that. We're convinced that we are and we're placing this community in good stead regardless if you're unincorporated area or if you're in a municipality.

Mr. Webber said, I'll close with that and ask if you have any questions?

Chairman Hair asked, does anybody have any questions? If not, I'd just like to commend Phillip [Webber]. I think he's done an outstanding job since he took over as CEMA Director and I just hope you keep up the great work you're doing. Mr. Webber said, thank you, sir. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, mine was the same thing. Not just the job he's doing, but also for letting the people know what's going on and keeping the people informed of what's taking place. It's —, to me that communication means more than the rest of it. You're doing a good job with it and we appreciate it. Mr. Webber said, thank you, sir.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, I have to concur completely and enjoy working with you, particularly through the Festival in the Park or educational purposes for the community. The LEPC as a component of your endeavor is a very generous and cooperative group and I am so thankful to have their participation. Thank you. Mr. Webber said, thank you.

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, I'd just like to say in behalf of the law enforcement community and the fire community that we certainly appreciate what you're doing, too. We've had people in your position before that we always didn't get along with, but you make their job very easy and I know they all appreciate it. Mr. Webber said, thank you, sir.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, I, too, would like to ditto. I really enjoyed working with him through the neighborhood associations, getting the people in the neighborhood informed about CEMA and what it's all about and how to prepare themselves in case of emergency, especially when we have, you know, during the hurricane seasons and that kind of thing because in the different neighborhoods that I serve, they were interested in finding out more information about hurricanes and et cetera, and he was so delighted to do that, and as a matter of fact a lot of them want you to come back again. Mr. Webber said, right. I look forward to it. Thank you.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I just want to let the Commission know that they also attack small, I guess, minor emergencies and do a great, great job. When the bridges was closed down, it was more of a, I guess, a inconvenience rather than an emergency, but Russ [Abolt] gave them the task of helping the people out there and they were out there with their vehicles bringing in golf carts for the people and shuttling the people back and forth to their homes and setting mail boxes up, just every little thing to make it as convenient for those people as possible and, you know, I dealt with you when I was Mayor and you coordinated with the evacuations. I think y'all do a great job and I do appreciate it.

Mr. Webber said, thank you very much. [Inaudible] is sitting back here somewhere, but I appreciate your kind words. There's a package for you that we provided for you and there's a couple of publications that we've done. The Chamber of Commerce —, Manufacturer's Council Chamber of Commerce are behind this. They're going to mail these out en masse. The homeland security threat level guidance is there and it's been well received in the community, but thank you, Dr. Hair, and thank you to all of you. Chairman Hair said, thank you.

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VI. CHAIRMAN'S ITEMS

None.

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VII. COMMISSIONERS' ITEMS

1. SUNDEW ROAD RESIDENTS AT THE LANDINGS ZONING (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I got a call a couple of weeks ago about Sundew Road and there seems to be a problem within The Landings. There was a mistake, I guess, when they changed The Landings, moved some paperwork or did something. All the property within The Landings is supposed to be PUD-R and this 21 parcels of Sundew Road ended up being PUD-B, and even though after talking with some of the MPC staff they say that they wanted to handle it within the Land Use Plan when that is all done and approved, I believe that this is a separate issue totally. It needs to be dealt with separately and I think that it needs to be done —, we need to send back to MPC today a recommendation for them to go ahead. They should have most of the paperwork in place. It's a matter of doing the advertising and giving us the recommendation back. I would also ask that they go ahead and pre-advertise that 15-day advertising for it so we can have it back. We have a meeting on January 7th [sic], we have a meeting after that. We

could have our first reading at our first meeting in January and our second meeting approve the zoning and put it back like it is supposed to be. I would like to make a motion to do that. Commissioner Kicklighter said, second.

Chairman Hair said, second. Any discussion on the motion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.] Chairman Hair said, the motion passes. County Attorney Hart said, some clarification for the record —. Commissioner Murray said, yeah. County Attorney Hart said, Commissioner Murray's motion would be a motion to rezone on behalf of the Commission. Commissioner Murray said, that's right. Now, also in the motion was to go ahead and pre-advertise. Now I don't know if you can get the advertising out today or if you have to wait until Monday to do it, but I want it done. County Attorney Hart said, yeah, I just want to make sure that it's y'all's motion so that we don't get into [inaudible] issue. Commissioner Murray said, yeah, okay.

ACTION OF THE BOARD:

Commissioner Murray moved to send back to the MPC the issue to rezone all properties at The Landings from PUD-B to a PUD-R classification and that the MPC immediately pre-advertise the rezoning so that it can be brought back to the Commission for first reading at the first meeting in January. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.]

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2. MR. MCCARTHY AND RIGHT-OF-WAY VACATION (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Mr. McCarthy was before us several months ago trying to get a 20-foot piece of land right next to his house quitclaimed to him or purchase it at fair market value from the County. There was also some discussion about what was in the right-of-way and what needed to be done and that type thing. He had sent me a package of letters which I passed on to the County Manager and then I assume were passed on to the Engineering Department. I thought that everything was in that that needed to be there because he had the three letters from the utility companies, but based on —, based on the letter from the County Engineer's office, it's saying that they don't know if there are any other utilities under there and the Utilities Protection Center of Georgia, UPC, is the one that would have to be contacted to tell us. Mr. McCarthy, have you talked with them? Mr. McCarthy said, I've talked to 'em and they tell me that —, as a matter of fact, they're getting mad with me because this is about the fourth time I've gotten in touch with them and they've come out there with their checking the different companies and they said they don't send letters. All they do is send the people that they contact, like the Electric Company, the sewage and, you know, they contact them, and they've been out there again with their little marks and all on the street. Is anybody familiar where I'm trying to get at? I mean, if you're familiar with it, you'd see that there —, as far as anything being buried on the side of my house would be rather stupid to put it there because it goes right to the marsh and I don't think they're feeding the crickets and all down there. I mean, I'm not trying to be funny with it, but I got the Electric Company, they've been out there three different times, or four times, and they're getting very discouraged with me because the County —. I mean, they come out there and they gave me approval. I've got the letters. The sewage people, they had a sewage spill and they come out there at different interval times and the guy said I'll get a letter to you, which he did, and the cable company it stops on my lefthand side of my driveway and the water system, I've got my own well and I know where the pipes are.

Chairman Hair asked, did staff or attorney, is there anything —, did y'all —, can y'all add anything to this discussion? County Manager Abolt said, Commissioner Murray is very familiar with as I know many of the members of the Board are, we've been trying to work on —, our recommendation has always been not to vacate, but because of the position of the Board we wanted to guarantee there was nothing underground, which from this testimony I will take as confirmation of that. If he wants to vacate this, then I would just direct your attention to the last paragraph of Mr. Bungard's letter to Mr. McCarthy on August 19th which says, and I'll read it, "If you are able to obtain County Commission approval for your request, you will need to pay the County the fair market value to be determined by a professional appraisal, and provide the necessary appraisal, quitclaim deed, and survey plat at your expense."

Commissioner Murray said, and that would be part of it. My point is that I don't think he should have to go out there before the Commission approves or disapproves and spend the money. If we approve it, then I think he needs to go ahead and have that done before the property could be deeded over, and I've looked at the property —. Mr. McCarthy said, I've got a map if you want to see it. Commissioner Murray said, no, I've seen it. I see it every day. You know, if I understand correctly, you're only asking for 20 feet from your property line over. Mr. McCarthy said, right, sir. Commissioner Murray said, and I don't see how that is going to do anything, any damage to any County property or any right-of-way that we may have in the future or any use for that property in the future, and if he's got all the paperwork there, I will make a motion that we go ahead and agree to do this provided he takes care of what's in the last paragraph of the letter.

Chairman Hair said, we've got a motion to approve the vacation of the right-of-way. Do I have a second: Commissioner Gellatly said, second. Chairman Hair said, Commissioner Kicklighter has a comment.

Commissioner Kicklighter said, one question. Why does it have recommended that we not sell that? County Manager Abolt said, we just don't think on this throughway particularly it's good business to vacate right-of-way. It's obviously a growth corridor and this is a matter of practice. Unless there's just some sort of compelling argument, staff has always recommended against vacating public property. Commissioner Kicklighter asked, is there a chance for a road or something going over —. County Manager Abolt said, I'll let Mr. Bungard speak in more detail that this obviously along Islands Expressway to develop a corridor, and if it's one in which we want to just protect the taxpayer's interest for years to come. It's your policy choice.

Mr. McCarthy asked, would you like to see a picture of where it's at? It may give you a greater idea.

Commissioner Murray said, if they put a road in there, they're going to end up having to buy his house anyway. Commissioner Kicklighter said, no, I'm going to support the Commissioner as soon as --.

Chairman Hair said, we have a motion and second to approve the right-of-way vacation. Is there any further discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes. Thank you.

Commissioner Murray said, you will now need to get with the County Engineer's office and make sure that these things, your appraisal, survey and all that is taken care of and you understand you would have to pay for that. Okay?

Mr. McCarthy said, I've got one other question I'd like to know. You know, I took care of that property and when they built the road I got —, the people told me they wouldn't haul the dirt in, and I'm not trying to —, you know, where the appraisal —, I've improved that property. Put trees and everything else, and what I'd like to do is get some kind of a little lenient on what the property because I know what they're going to say. It's waterfront property, as it's called, and the first then they're going to do is look at me and say, jump the price. Commissioner Murray said, well, you're going to have to work that out with them. We just approved you to —. Mr. McCarthy said, that's all right. I just want to know —, you understand where I'm coming from. Commissioner Murray said, I understand. I'm not trying to be smart, but I'd stop while I was ahead. Mr. McCarthy said, I'm going to stop, I'm going to stop. The only thing is I'm getting at is, you know, 20 feet of property to buy at an outrageous price is, you know, I feel like I'd like to get a little help.

Chairman Hair said, sir, you're going to have to pay whatever the appraisal —. Commissioner Murray said, we don't have any choice in that. Chairman Hair said, that's a law. Okay? You've got to pay the —. Mr. McCarthy said, see, I improved the property. What I ought to do is put it back where it was and after they look at it, then put it back again. Commissioner Murray said, that's going to cost you more problems. Mr. McCarthy said, I'm not being —, you know, I think you understand. Thank you. Thank you for giving me this time.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers asked, he's to get the appraiser? Chairman Hair said, that's correct, and the plat. He's got to do that. Commissioner Rivers said, he can get [inaudible]. Chairman Hair said, no, he'll get the appraiser. Mr. McCarthy said, I'll get the appraisal. You understand what I'm saying though. I'll get the appraisal. There's no problem there.

Commissioner Murray said, Mr. McCarthy, you need to meet with the Engineering Department and make sure that whatever you do is done the way it's supposed to be done so we don't have to come back and forth. Mr. McCarthy said, oh, it'll be done legal. You don't have to worry about that. I'm too old to get —.

ACTION OF THE BOARD:

Commissioner Murray moved to approve the County vacating a 20-foot wide portion of the Islands Expressway right-of-way adjacent to the property of Harry W. McCarthy, 101 Riverview Road, upon Mr. McCarthy paying the fair market value determined by a professional appraisal and upon Mr. McCarthy providing the necessary appraisal, quitclaim deed and survey plat at his expense. Commissioner Gellatly seconded the motion and it carried unanimously.

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3. MICHAEL COHEN ON TYBEE PIER BID (COMMISSIONER KICKLIGHTER).

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thanks, Mr. Chairman. I'm going to ask the County Attorney here for his advice on this. Should this be discussed here or in Executive Session because of —? County Attorney Hart said, you may wish to hear from Mr. Cohen just to see what Mr. Cohen has to present, but if there's going to be a lot of discussion among the members, Mr. Cohen is now represented. We received a letter and which was enclosed in the package. If we're going to discuss the merits of that we probably ought to do that in Executive Session, but it might be better to let Mr. Cohen give you what information he has.

Chairman Hair said, Commissioner Murray has one question before we get started.

Commissioner Murray said, my only question with this whole matter is that came to us at our last meeting. We threw out all the bids. County Attorney Hart said, correct. Commissioner Murray asked, did we have the authority to do that? County Attorney Hart said, correct. Commissioner Murray said, okay.

Chairman Hair said, so, Mr. Cohen, would you like to make any comments. Again, I think we have to pay attention to the County Attorney's advise. Come on up, sir. If we start discussing, I think we need to do that in Executive Session. We certainly can heard from you without going into Executive Session. Chairman Hair recognized Mr. Cohen.

Mr. Michael Cohen said, well, first of all, thank you very much. You must excuse me. I've got a little laryngitis. It's an occupational hazard when you get closer to the Olympics. My company put a bid in for the concession rights at the pier. Let me take just a couple of minutes to give you the history of what's happened. Two years ago in 2000 my company put a bid in for the concession rights in Chatham County, all the concession rights with the exception of the pier. My company won the bid on that, but when the bids were opened it was discovered that my company made a mistake. We did not fill out one of the forms, we did not have that form signed. Because of that technicality that bid, the high bid, was eliminated and I was informed by the County that my bid was not going to be accepted because I did not follow the rules. Come 2002, just in the last few months, we realized that the bid for the concession rights at the pier were coming up. This time I was going to take the bull by the horns and do all the research that was necessary to cross the t's and dot the i's. I sent a gentleman out to the pier to do some reconnaissance work to make sure we all the demographics, to make sure we had a traffic flow, what we needed to do to make the change. Mr. Matt Thompson was the one who took care of that for me for six weeks. Coming in —, October that information was turned over to Mike Lane, who is our Director of Operations. Mike Lane took all of the information, all the demographics, all the things that we needed to put together for the project, he put it together for me. Come November the 6th I left the United States to go overseas for the World Championships. I was going to be in Hungary for five days and then in Warsaw, Poland, for two weeks. During that time November the 6th —, November the 10th, they had the prebid meeting. Now the prebid meeting, it was part of the bid package for the concession rights. Mike Lane was there representing my company's Director of Operations. The current owner of the bid was also there —, the current owner of the concession rights was also there, as well as three other individuals representing three other groups. They were informed there by Mr. Bill Parsons [sic] that the rules of the game were very simple: you've got to turn in your bid completed by November the 20th. That was is. So at that point in time Mr. Lane contacted me in Hungary and explained to me that everything was in place and where do I need to do. I told him we needed to crunch the numbers, get everything ready to put in a bid, but this time I wanted to it in on time and all the t's crossed and the i's dotted. From that date on until November the 18th, we worked up a project, talking back and forth overseas for almost 17 hours international. On November the 18th I gave Mr. Lane the final figures. Mr. Lane put those in the completed package and that package was turned in to the County on November the 19th, one day before the bid was to be closed. On November the 20th Mr. Lane contacted the County. I believe it was Ms. Disher. Is that correct? Ms. Disher and Ms. Disher informed us that our bid was the highest bid. We were 60% higher than the next bid and 60% higher than the current operators of that concession stand. That there were only two bids received and we were the winning bid. We were also informed that the bids started January the 1st, which meant our facility had to be up and operational come January the 1st. It gave us less than seven weeks to put the project together. I informed Mr. Lane, still overseas, to go ahead and put the business plan together that we had worked so hard on to get it right and get it ready for action. When I returned back to the United States on the end of November, December the 2nd I had a conversation with Mr. Bill Parsons [sic], who was with County Purchasing. Bill [Parson] informed me that they expected me to be operational January the 1st and that all plans that I had to have had to be approved by the County Rec Department and one of the representatives would be getting in touch with me in a day or two and, sure enough, in a couple of days Mr. Bryant, Lorenzo Bryant, got in touch with me with the County and informed me that he would be the one that would oversee the project to make sure that the building met codes and approve all the things before we started construction. He also reiterated that that had to be before him, that had to be operational by the 1st of January to coincide with the contract that I had signed on. I told him that there should be no problem with that at all. Two days later I was informed that the Commission had received a request from the current owners of the contract rights to throw out the bids so the missed delay bid that was not turned in on time, did not follow the rules, could be entered at the next bid. I find that questionable and unfortunate that that action was taking place. If the information on face value was presented to this County Commission, I feel confident and confident that a 60% increase over what you're receiving now have far more exceeded your expectations for that property, and the invitation of a unsolicited bid that was rejected by staff six months ago should not weigh on that. The rules will be followed —, I followed the rules this time. I did everything that was required of me, and this time I have I have —, it was like the last time, I had the high bid, and this time the bids are being thrown out because someone did not follow the rules. I'm asking you to do the right thing. Thank you for your time.

Chairman Hair said, thank you, Mr. Cohen. I think we need to go into Executive Session to discuss it. Commissioner Kicklighter said, I make a motion to go into Executive Session. Chairman Hair asked, second? Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, the motion passes.

* * *

The Board recessed at 10:32 a.m., to go into Executive Session for the purpose of discussing possible litigation. Following recess of the Executive Session, the meeting of the County Commissioners was reconvened at 10:54 a.m.

* * *

Chairman Hair said, under the statute I will now state that no action was taken in Executive Session. So, therefore, the previous action stands.

ACTION OF THE BOARD:

No action was taken at this meeting. The action to reject all bids, which was taken on December 6, 2002, stands.

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4. CRIME, UNINCORPORATED AREA (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, this is on the agenda and it's under unincorporated area because that's what I represent, but there's been more and more crime and I know the time of year has something to do with it. It always does. It is not just on Wilmington Island and not it's just in Whitmarsh Island. I've been getting calls from Isle of Hope and throughout the whole district with things happening. You see what's happening within the City of Savannah throughout Chatham County, and I don't think we can attack crime by jurisdictions or by city limits or the unincorporated areas of Whitmarsh Island or the rivers or anything. We have to attack it across the board. The law enforcement agencies can certainly not do it by themselves, but they do go out —, they have people within the Chatham County Police Department that will go out that will help set up neighborhood watches, that will help monitor those. Chief, if you want to speak on any of that, I'd like for you to, but my purpose in putting this on here is more than just discussing it and bringing it to attention. I mean, we all read the papers, we all see what's taking place. There are an awful lot of citizens that are saying that none of the elected officials, the law enforcement, just aren't doing anything, and I would like to correct that. There are some things being done. It's not stopping it, and certainly it will not stop just by the law enforcement. It's going to take all the citizens getting involved also. I would also like to take this opportunity to move, more for support for the community hopefully, with a consolidation of the City and the County Police Departments, because that —, what that does is gives us more officers on the street in the unincorporated area, it gives those city officers when they can cross lines. They'd be sworn in so it can go to all of Chatham County. I know the smaller municipalities are opposed to it, but I'd like to see one metro department countywide for all Chatham County, not just the City of Savannah and the unincorporated area. It's been discussed that we can pay for the startup costs for this with the SPLOST tax if it passes. That would come off the top and that would be for vehicles, for shields, for radio equipment, whatever is needed to start up that new department would come off the top of SPLOST, regardless of how much that was. That way none of the homeowners or property owners would be paying for that startup cost. I just feel like that there's something we need to do and we need to do and we need to move it forward, and I know there's some people in the audience that may want to speak and, if they do, certainly I would like for them to speak. Chief Sprague, if you would talk a little bit before they do on the neighborhood watch and what is involved in setting that up because I plan on having a meeting throughout my district to talk about this and have your people there to try to help setup some of these.

Chief Sprague said, number one on the neighborhood watch is we use our COP unit to accomplish those neighborhood watches when we get requests from citizens in various neighborhoods. Unfortunately, our COP unit has been decimated and has been on patrol duties so we don't lose response times on patrols. Currently, we have two officers working in COP. In contrast to that, two years ago and backwards we had six officers assigned to COP and had them assigned to the different zones —, east side, west side, south side. It was very, very effective. It still is. If there's a need for that, if we get a request, we will send a COP officer out there to organize the neighborhood watches and hopefully benefit from information provided by the citizens on various crimes that occur in those neighborhoods. Going away from the neighborhood watch, I have to reemphasize the request that the County Police, if it stays as it is, receive 10 more officers in order to beef up our patrol units. We need people. If the neighborhood watch is increased information, we need people to respond to that information. We need detectives to respond. I was asked to provide some statistics today by one of the news media branches with regard to crime in the unincorporated area and particularly on the Islands —, Whitmarsh and Wilmington Island. We provided that information with regard to burglaries, aggravated assault and several other. I'd like to respond with a little bit of additional information if I may. This is the Islands area. Our burglaries between 2001 and through December 16th, about a week ago, burglaries are up from 83 to 117. That's a 34 total number increase. Armed robbery is up from 7 to 18. That's an 11 increase in numbers. Our ag assaults are down by 2 from 24 to 22. Auto theft down from 29 to 26. Rape up from 1 to 3 this year. Vehicle break-ins from 86 last year to 124 this year. That's about a 34 [sic] increase in total numbers, and arsons up from 3 to 8. Now with total crime out there, those are those specific crimes, but on total crime on the Islands, crimes that have occurred on Wilmington/Whitmarsh, the Police Department has made 380 arrests of individuals that perpetrated those crimes. That's good, but it includes all crimes. Where we're lacking is the patrol visibility. We're short on the Islands, we're short on the Westside, and we're short on the Southside. If the department stays as it is, we need 10 officers to do that. If a merger is considered by this body and by City Council and were it to be approved, we would get 8 to 10 officers within six months redeployed through precinct redesign to get the coverage not only in the unincorporated area, but in the City of Savannah that does not exist now. And then in the three to five years out, going to get another 10 to 12 officers, but a minimum of 20 officers the five-year period through duplication and attrition. The salaries would be redeployed from those officers in higher echelon positions that retire —, not forced out but retire. Those monies supporting those ranks would be redeployed to hire line officers at the ground level. That's where the —, over the five-year period the 20 come from. Initially, the duplication effort, and that's just redeploying human resources that are available in each department and spreading them out so they can cover the expanded juris-

diction, which would cover 200,000 more efficiently, solvability rates on crimes would go up. I think –, I think y'all and the citizens know this. Now a merger or an increase of officers is not a panacea for reducing crime. We can't say that crime is not going to go up or stay level because that's beyond the Police Department itself, but we can say that the prognosis to deter crime, to stop crime and to solve crime will go up, and more people that are committing the crimes and some of the –, most of those individuals are repeaters. They're repeating the same crimes, the auto break-ins, burglary, aggravated assault or violent crimes. They will be removed from the streets. Now there's been a lot of talk about the Police Department or the elected officials or the manager is not doing their job in the crime fight. I disagree with that and I'd like to quote an associate of my, Chief Flynn. "When you get sick, do you blame to doctor?" I don't think this body should be blamed or the council or the managers or the departments or the chiefs of police. What I would say, give us what we need to continue the crime fight and to become more effective and more responsive to the needs of the citizens.

Chairman Hair said, Commissioner Odell and then Commissioner McMasters.

Commissioner Odell said, Chief, before you have a seat. What's the average response time? Say if someone calls in the County, there's a burglar –, burglary, what's the average response time? Chief Sprague said, I don't know the average response time, but the time that we target is five minutes, but you can see it's reduced if you're understaffed, as we are, if the officers are tied up, the response time goes up. Commissioner Odell said, so that we all are on the same page, ratio of police officers as compared to the City of Savannah is approximately what? One to three? Chief Sprague said, based on the 2000, the year 2000 FBI Uniform Crime Report, using statistics through October 31, 2000, the national ratio for officers per thousand all across the United States is 2.4 officers. The Southeast United States, the South, is 2.7 officers per thousand. Based on MPC-supplied census data for the year 2000, for instance, Garden City has 3.9 –, 3.1 officers per thousand people, and there are 11,289. The City of Savannah with 131,510 population has 3.13 officers per thousand citizens. Unincorporated Chatham County where 113 of our 135 officers are deployed as primary jurisdiction, it's 1.6 officers per thousands. That's a full one percent below the national average and –, more than that –, one –. Commissioner Odell said, and the impact is that we're approximately two people per thousand down as compared to the City of Savannah. Chief Sprague said, yes, sir, and some of the other municipalities in the County have officers –, 4.5 officers per thousand. Commissioner Odell said, I did not support merging the police departments. I do not think that if we merged in its present form it's not a merger. We are consumed by the City of Savannah, and I think that that gives a bad taste in some Commissioner's mouth and we lose, although we continue to pay, control whereas now we have a certain level of control. Input. I think that that would give Thunderbolt some concern, that would give Garden City some concern. Ultimately, because crime is so rampant, we're going to have to set aside some of our differences and look at more of the similarities. I think this program is sellable if we do it as a Commission. When I say a Commission, it is not the City of Savannah's Police Department policing Thunderbolt, Garden City and the unincorporated area. They may be the major player, but every municipality would have major input as to what happens with that particular department. A Commission structure. We are not going to solve crime simply by increasing the numbers. We can reduce it. We're going into a new era. Many, many years ago we had a gang here that was called the Jivens gang and participating in the legal process in order for you to get into the game, you had to kill a civilian and they had to know that you had called the civilian, and the thought was that they could give you drugs and be assured that you're not going to roll on them if they had a murder conviction that they could hang on your head. We've had a rash of these similar kinds of incidents throughout Chatham County. My son was brutally slain in his driveway coming home to his seven-month-old baby and he'd gone over to his mother-in-law's house to pick up breathing machine. He didn't have a weapon although I had bought one for him and said, "Keep it in the car, we live in dangerous times," and he and I had completed a renovation project and as partners we had bought him a car. I said, "You've got the car, but you've also got the visibility. I mean, this is the kind of car that folks will jack you." So, my point is that having financial resources means absolutely nothing if you cannot be safe. I mean, if you cannot be safe to walk in your own yard, after this incident, that following Monday realizing I had to do something, I went to work. That's what I do, I work. The attorney that I had an appointment with was robbed right here in downtown Savannah where three people made him get on the ground and put a gun to his head. The insurance adjuster who came, who lived on the Southside, her car was jacked and she was beaten about her face. She had to have plastic surgery. My concern is that I own real property. I don't want taxes to go up, but if you cannot be safe or your family cannot be safe, we need to solve the crime problem, and it's about a three percent of knuckleheads who are lazy, who dropped out of school, who would rather rob you or your family members than to get a job. This is one component, having a police department that's big enough, equipped well enough, funded well enough to ensure that from that end the citizens have the protection. We all benefit from tourists coming to the City of Savannah. If we do not solve the problem of crime, I can guarantee you tourism rates are going to substantially drop. It will have to drop. People will not come here for vacation if they fear that some thug is going to run up, try to take their vehicle, might shoot them over their vehicle, so it's not just our safety. It's our financial well-being as a community. I support the merger. I do not support our being consumed by the City of Savannah. I think that we should have a Commission. The municipalities should –, we should work out the differences so that we have one police department. One police department. We should work out the differences with the municipalities to ensure that we can answer the questions that they have, resolve their problem, and their problem is one of control. A citizen wants to know if something happens that they'll be able to call –, like now, if you live in Garden City, you have more access. You know many of the police officers. They want that continuity of consistency. You cannot know the community if you are in Pooler one day, in Thunderbolt another day, on the Southside another day. You never get to know the citizens. So that's an obstacle that you, as professionals, have to resolve. I'm finished.

Chairman Hair said, thank you, sir. Commissioner McMasters, myself, Commissioner Kicklighter, and then Commissioner Murray. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. Tom [Sprague], I want to thank you and all of your efforts and the County Manager's efforts in meeting with us to revitalize and have us rethink the potential merger of the two departments, and I know that within the context of our conversations that we were strictly referring to the City of Savannah and the Chatham County Police Department, not the smaller municipalities, and I think you're absolutely right that crime is a very, very complex problem. I can tell you from the people that I meet with and the constituents that I talk to, as I told you in the meetings, their view is that officers on the street equate to better protection, more deterrents. Having said that, I know that there's much more to the paradigm of reducing and solving crime. Blame is not an option. A safer Chatham County has got to be achieved. How many officers per thousand, Chief Sprague, might we have after a theoretical merger? Chief Sprague said, I don't have any data on that. I haven't computed the data, but one of the benefits to efficiency of the merger is the redistribution, both in the unincorporated area and in the City of Savannah of the resources that would be combined. This is a two-way street on benefits to both the County, the unincorporated area –. Commissioner McMasters said, I understand. Chief Sprague said, – and to the City of Savannah. Both governmental bodies benefit from it. Coverage that the City of Savannah cannot supply now with its current jurisdictional boundaries would be enhanced. Officer per thousand ratios in some of the unincorporated areas are going to go up because of that redeployment of resources. Basically, it's Savannah helping us and us helping Savannah as one. That's the addition as far as patrol. Visibility, with a precinct on the Islands, your visibility's there three times a day as shifts change plus during the week administrative personnel, police cars, people coming in to pick up court subpoenas, et cetera, at the precinct. The same thing on the Westside and a new precinct out in 204/95 area. That's where the visibility goes up. The reconfiguration shows visibility increases in the City of Savannah and the Historic District, but it's all through merging, working together as a team at the police department level and hopefully at the political level.

Commissioner McMasters said, they're both very, very fine departments and I live downtown in the Historic District and I can tell you that there's half a dozen or more neighbors of ours that are on the verge of moving out of downtown. It's become such a fear that they can't walk their dogs without that looming over. It's really tragic. Things have just turned so bad. The thing that I was most impressed with our meetings was the ability to bring these two fine departments together and do it without a huge burden to taxpayers of property taxes and getting this onto the SPLOST referendum in March, and I'd like to make a motion that this Commission adopt a resolution showing support for the merger of the two departments, the Savannah Police Department and the Chatham County Police Department, with instruction and assistance from the County Attorney to identify any and all material capital costs arising from that merger as soon as possible so that we can start grappling with what we might need and we can get it onto that ballot. That ballot's only three months away, Jon [Hart]. County Attorney Hart said, I'll be glad to work on that and I don't mind giving you opinions on what can be included or can't be included, but just gathering up material capital cost is more of an accounting function and beyond my grasp and with staff's assistance –. County Manager Abolt said, we're doing this already. Commissioner McMasters said, okay. That's great news, and are you looking at the 9-1-1 consolidation costs as a part of those numbers? County Manager Abolt said, we've already looked at that, sir. Commissioner McMasters said, okay. The only thing that I want to finish this motion with is I'd like to suggest –. Let me back up. You mentioned 20 officer increase in patrol over five years. Chief Sprague said, yes, sir. Commissioner McMasters said, okay, I'd like –, if you combine your two departments, you're pushing 600 sworn officers, aren't you? Chief Sprague said, 550, I believe. Commissioner McMasters said, 550. Well, ten percent would be 55 more officers. I'd like to make this motion with the caveat that you achieve a minimum of ten percent increase in this merger and not within five years, but as soon as possible. Chief Sprague said, I don't think that's possible, Commissioner McMasters. When you look at this merger, we looked at ways to contain the cost and keep any kind of start-up costs low, and we've done that, but to –. Commissioner McMasters said, but you shifted that cost –, not to interrupt, but we're shifting that to SPLOST. That should leave funds available as per our conversations that might get redirected towards getting you more officers. County Manager Abolt said, no, sir. The reason for that –, well, I don't say no, sir. That's too –, I take that back. Our challenge is this, and just as the Chief said, we've put this together over several months to, in effect, contain the costs and we try to get by with essentially the minimal investment so that this would have some appeal to both bodies from a financial standpoint. We have not factored in any major addition of people in the short term. That's the challenge. We certainly can give you that as an option, but right now we're developing a consensus among the Board, which I greatly appreciate, but it seems to be a consensus that is described as being revenue neutral. If you allow us the option of not being revenue neutral and use SPLOST, we can give you those choices.

Commissioner Rivers said, I'll second that motion for discussion. Chairman Hair said, we have a second. Commissioner Rivers said, but I just want to interject one thing here. Recurring and nonrecurring revenue. That's all I've got to say.

Chairman Hair said, okay. Commissioner McMasters, have you completed your discussion? Commissioner McMasters said, I'm through. Chairman Hair said, we have a motion and a second, okay. Then I'm next and then Commissioner Kicklighter and Commissioner Murray and Commissioner Gellatly, in that order. When I saw this on the agenda, we are never told, you know, what it's about. I didn't realize this was going to be a commercial for police merger. I thought it was going to be a discussion of crime and let's look at a lot of ways to do it, not just, you know, support the police merger. When I met with you, Chief, and I met with Mr. Abolt in Mr. Abolt's office, I made my position very clear on this. I think merger's a great idea, but not in its present form, and I would assume that Commissioner McMasters' motion is to support the merger in its present form and I certainly cannot support that. The last time we discussed this I said, and Commissioner Odell, you know, has also said this morning, that let's do it, but let's do it under a police commission, let's don't do it in its present form. It will not work. I'm in the organization development business and you cannot separate authority from responsibility. That's exactly what this merger does. It totally separates authority from responsibility. It will fail. It will not work. I promise you it won't work. If we put it under a police commission, it will work and it's a good thing. Let's put it –, let's do it right if we're going to do it. I also think that

–, I guess I'm a little frustrated. This is the second or third time we've talked about the police merger in its current form. The majority of this Commission has already expressed that it would not support of it. Even more of a majority on the City Council have already said that they will not support it in its present form, and yet what we're seeing is the same old thing being given to us again. Nothing's been changed, nothing's been –, apparently the advice that's been given by the City Council and us to your proposal, all of it's been ignored. This is the exact same proposal that we have heard before. It didn't have the votes then, it doesn't have the votes on the City Council. I don't know –, I mean, you have to learn how to count to five here. Actually, count to ten I guess, five and five, and I just think that if we're going to discuss it, we've got to listen to the comments that people are giving and the advise we're given and we've got to come back and we've got to make changes. Otherwise, you know, we'll be sitting here years from now talking about the same proposal and it's still not going to pass on the City Council.

Chief Sprague said, I agree with you, Mr. Chairman, and when we're talking about the merger, we have been working on the concerns of each of the Commissioners that we met with recently, including the one on having a board or commission or something –, as long as it's composed under Georgia law and lawful, and we're working with that. Those would be adjustments to the main plan and it was brought up by y'all, and I'm sure there will be some coming from the City Council, but I don't mean –, I didn't come up here today –, the crime issue involves the merger any way you cut it or an increase in manpower on the unincorporated police, being us, and I got into the merger because in my mind there's four things that this Commission can do. They can leave –, they can do nothing. Just leave the Police Department the way it is. They can increase the Police Department by 10 officers and give us what we need to get out there in our current jurisdiction. We could merge into the Sheriff's Department and it would produce a number of officers over a period of five years through attrition that could be employed in the fight on crime within the same jurisdictional boundaries as the County Police, or the fourth, and in my mind, and last is the merger, which get –, you get all the benefits, you get the manpower that's needed to do the job. The jurisdictional boundaries go down, et cetera.

Chairman Hair said, the final point I will make and I will pass it on to Commissioner Kicklighter is, you know, I find it interesting –, you know, politics is a strange science –, and I find it interesting that if there's such a wonderful benefit to be gained from merger, then let's really merge. A lot of the same people supporting this merger totally opposed the merger that you just suggested as one of your options, as merging with the Sheriff's Department. We had no support up here for that, and those are two jurisdictions that we control. We control –, we don't have to have anybody's permission to do that, but yet –, and also about the small municipalities. I'm sure Commissioner Kicklighter would not support merger if you talk about Garden City and Pooler and Bloomingdale, and yet if there's a real advantage of merging, let's merge. You know, but we only want to take it so far when we think of benefits, and that's the final comment I'll make. It doesn't require a [inaudible], Chief.

Chairman Hair recognized Commissioner Kicklighter. Chairman Hair said, that's just my personal opinion.

Commissioner Kicklighter said, I just want to say –, you must be a mind reader. That's what I was going to kind of hit on there. Garden City, Pooler, Port Wentworth, Bloomingdale, I'm almost sure Thunderbolt and Tybee Island, they're all satisfied with their police coverage and, you know, I feel like sometimes we, as a County Commission, overstep our boundaries and the duties that we were elected to uphold. It's not our job to try to police the municipalities, it's their job, and, you know, this was brought up earlier, you know, and if they're satisfied with it, then we should leave them alone, and they are satisfied with the police in those municipalities and, you know, I just want to make it clear it's easy for us to sit up here and say we want to bring them in, but you're talking about people's lives. There's great police chiefs in every one of those cities. You're talking about getting rid of them and you're, you know, so I definitely would oppose any and all talks of that because they have great coverage and low crime rates in those areas and I'm sure that the citizens of those cities would want to keep it that way.

Chief Sprague said, if I could, Commissioner, myself and Chief Flynn met with every chief in Chatham County before this because the thing you're talking about, if they wanted to join such a merger, that's basically a political decision that involves the residents that live in those cities. Commissioner Kicklighter said, right. Chief Sprague said, so we told them what we were doing and that things would not change if the merger occurred. The same service the County Police provides to the small municipalities now would not change, et cetera, et cetera, but we didn't go for total consolidation of the police in the County. We were looking at the two jurisdictions because of the way the City of Savannah cuts up the unincorporated area, and it just –, we didn't know how it was going to come out when we started, but when it finished we saw the benefits to be provided here. But we're also making adjustments based on the comments from the Commissioners in the briefings that we're getting, including the one from the Chairman which was [inaudible].

Chairman Hair recognized County Manager Abolt. County Manager Abolt said, I want to respond to the Chairman, who's been a real help on this whole thing, as each one of you. The negotiations are very sensitive at this point. Each one of you have been very forthright with the Chief and I as we met. We were trying to give you all sorts of options and work them from the standpoint that you would be satisfied with whatever the outcome is. I had a conversation two days ago with the City Manager from the City of Savannah. He has assured me repeatedly he is now meeting with his policy board one on one. Chief Sprague and myself will meet with Mr. Brown and Chief Flynn in about two and a half weeks to determine the results of this. Shortly thereafter, I've asked and I believe the Chairman's been able to put on his calendar that the Chairman, Mayor Adams, myself and Mr. Brown will sit down to see exactly where we are, but whatever you wish to do today, fine. You're obviously –, it is your option. All I would tell you at this point we've done an awful lot to try to bring this along as a partnership so there is not resentment or any hard feelings over premature actions.

Chairman Hair said, Commissioner Kicklighter hasn't finished.

Commissioner Kicklighter said, I just want to state I know that staff never proposed bringing in the other municipalities. I was just clearing the air because a couple of Commissioners mentioned that, but anyhow --, but if I could state, you know, I've definitely turned the corner a little bit to consider the merger of the Chatham County Police with the City of Savannah, and I've stated to y'all in our meetings, you know, what I would like to see and, as the Chairman said earlier, right now I think would be --, well, he didn't state this --, but I think it would be a little premature for us to vote anything when we don't have those issues in front of us, such as, number one, the cost; number two, the --, you know, I guess the Commission or how that would be. We need something definite in front of us to approve or it's just a --, you know, there's no point in it.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, first of all, let me state that I made a comment about the small municipalities and my comment was that it would be ideal to have one metropolitan police department for all of Chatham County. I'm not suggesting that they all come in and I know they probably won't, but it does not hurt if the merge between the City of Savannah and Chatham County goes together to have discussions and open discussions with those municipalities on an ongoing basis to show the benefits to that if there are benefits from it. You know, so it's not saying --, you know, we can't force them into it anyway, and I wouldn't try to force anybody into it. The whole point of putting this on was not done as a blanket commercial for the consolidation of the police departments. I mean, people can take out of it whatever they want to take out of it. It was put on because of the crime throughout all of Chatham County, not just on Wilmington Island. You gave a lot of stats on the Islands and that's good. I appreciate it. But it was all of Chatham County where the crime is taking place and it's not just murders or rapes. It's all types of crimes, and I had a situation last Friday --, Saturday night. We were headed to town to a movie. There was a car in front of me driving all over the road and I thought maybe they were trying to pick something up off the floor or something at first and realized it was still weaving all the way down Johnny Mercer Boulevard so I took my cell phone out, I called 9-1-1. It took eight rings for 9-1-1 to answer. It goes into the City of Savannah, the City of Savannah then has to transfer you to Chatham County, Chatham County then said, well, we will notify the Thunderbolt Police, too, because the car was headed that way, which was fine. They worked out the situation. My point being, if the City of Savannah and Chatham County merged, the 9-1-1 would definitely merge. Who handles the 9-1-1 for the smaller municipalities? Chief Sprague said, our County Police Dispatch dispatches for everyone except Savannah P.D. and Savannah Fire and some of the volunteer fire departments. We do all the other police departments in the County. We do 100 percent of the ambulance dispatch, and about 40-50 percent of the volunteer fire departments. Commissioner Murray said, okay, so, in other words, if the merger took place we would only have one 9-1-1 countywide. Is that correct? Chief Sprague said, right. Commissioner Murray said, well, good. That would eliminate a lot of problems in that itself. There's been a lot discussed also about funding and whether we can do it or not because of funding. You know, when we took our oath of office, it's to protect the citizens that we represent in Chatham County from health, safety and welfare issues, and this is a health and safety issue and a quality of life issue. And if we're not going to do a merger once all this is put together, then we as a Commission are going to have to commit to give the law enforcement in Chatham County what they need to do their job with. That's why this was on the agenda today. I know that you can't do it by yourself and I know we have to have the citizens' involvement. Not just the ones that want to writes letters to the editor in a negative basis, but those that are willing to get out and help support. So that was the reason for all of this being on the agenda today. Not to promote one issue or the other issue, and I don't know, Dr. Thomas, if you have some people in the audience that want to speak or not. I don't know, you had some other Commissioners, I think, that wanted to speak.

Vice Chairman Thomas said, yeah, Commissioner Gellatly and then I would like to make a comment and then if we have anyone out in the audience who wishes to speak, we certainly would like to hear from them. Vice Chairman Thomas recognized Commissioner Gellatly.

Commissioner Gellatly said, thank you. First of all, I'd like to state that I support the basic concept of the merging of the two police departments. However, I thought that there were three issues that have to be addressed. Number one, I really truly believe there would be significant start-up costs. That's why I like the idea of putting that under SPLOST on a one-time situation because I think in the absence of that we would have to look at some type of a millage rate just to get the new department started. The next issue that I --, I've voiced my opinion on is that of the Chief of Police. There's just no way in the world that the Chief of Police can equally report to two managers, one in the City and one in the County; that that would be a horrible nightmare and I know because I've held the position of Chief of Police for over 30 years. I think that that issue needs to be worked out. Whether that would be through a commission or a --, or whatever, but that issue needs to be dealt with. The third issue that I see is the glut of rank that you're going to have when the two merger --, when the merger occurs. I would have a guestimate that you would have about 20 percent ranking officers more than what you need. A department that size obviously doesn't need 7 majors, doesn't need 15 to 20 captains and so on and so forth. I don't think that it's good enough to say that, well, we'll just stand by and over the next 5 to 10 to 15 years when these people retire, we just won't replace them. I think that we're going to have to --, the chiefs are going to have to make some hard decisions and if we give them the nod of approval, you can't fill every position when it comes open between now and the merger. Okay? And the other thing I think from the two governing bodies we'll have to take a look at a one-time situation. If you have people that are approaching or at retirement age is to make it worth their while to retire so you can free up these positions and actually get this money saved. You know, one major would be equal to two patrolmen on the street and we need to make that happen sooner rather than later. I think that if there are ever two departments that would be right for merger, it would be these two

departments. They both have national accreditation status and they're both State certified departments, and I certainly have every confidence in the present Chief of Police in Savannah's ability to lead this department. Thank you.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you. Inasmuch as most of the conversation has been around cost and personnel and et cetera, I would like to add another component to —, I think that would be very helpful to us in this endeavor. Hopefully, that the judicial component could play a major role because when these perpetrators are caught and go before the judicial —, you know, the judges and so forth and so on, I would hope that they would, you know, send a message by letting them know that we're not going to tolerate this; it has to stop. And I'm talking about people who have been proven to have committed these things. I'm not talking about innocent people. I'm talking about you know, you know, it has been proven that these people have committed. To get a slap on the hand and, you know, they're right back out there again doing the same thing over and over again. You never know who is the next person. So I think that you certainly need to have —, and we do have support of the judicial component, but we need, I think, a little bit more of that. Much, much more because crime is running very rampant and it's very scary because you never know who's next. The other thing —, the other component I think that we really need to be looking at, Chief, is —, and I don't know how we can accomplish this —, is through education preventive types of measures, and we have to really work with families and parents because the parents and families can do a lot because they're withholding a lot of information that they need to not deal with with their children. In other words, when these young people with things, you have to let them know right up front, "I'm not going to tolerate this. This is not going to happen, you know, if you're going to be a part of my household." I know it sounds very simple and that kind of thing, but it plays a very major role and I just want to get the message out there to parents and families that you need to be more up front and you need to be more on the ball with your children, doing much, much more as far as teaching them various moral values and that kind of thing. It may sound a little trite, but it's very important that that takes place, and I think if we can deal with those things, education, preventive type of things, that too will play a major role. It's not the only thing, but it's a great component that is needed to help support what you're trying to do.

Chief Sprague said, I'm a great advocate for youth and I'm very much a supporter of the people that sit at the Youth Commission desk, and if we can get 10 more from the parents that would —, that might have gone the other way and get them sitting here, I think we've won a major battle.

Chairman Hair said, thank you, Chief. I'm going to call on Commissioner McMasters to clarify his motion. I think there's somebody in the audience that wanted to speak quickly, briefly. Marianne [Heimes], you're going to make some brief comments and then we're going to vote.

Mrs. Marianne Heimes said, Dr. Thomas, Commissioners, this is not a very good time of the year to be talking about crime, but I think it's important and I have to point out that while the merger is important, you're talking —, if you're going to depend on the SPLOST, you're talking three months. Chief Sprague said, it would take six to eight months from that time to get more officers out here. People on the Islands, where I happen to live, are very, very concerned. There's been at least a perception of a big increase of crime and I want to know what you can do today to make these people feel more comfortable in their homes because we have to look to you for selling some of these things. As Commissioner Murray said, that's part of your charges. You're the safety and welfare of the community, and if you don't feel safe on the streets, which many people on the Islands don't feel safe in their homes at night, then something's definitely wrong and we can talk and talk and talk about all these things and, as Dr. Hair said, we've talked this merger a lot, and I think, you know, it needs to go forward, but when and how many people are going to be robbed or how many cars are going to be broken into, how many people are going to be assaulted or how many people are going to be raped while we talk about what we're going to do about it? That's my question today. Thank you.

Chairman Hair said, I think you asked a very good question. I don't think any of us have the answer, but —, come up, sir, and state your name for the record.

Mr. Rick Pryor said, good morning. My name is Rick Pryor. I represent the Citizens Crime Commission. Before I make any comments, I'd like to say on behalf of the commission that we offer our condolences to Commissioner Odell and his family. It's just been another example of some cases of where we're talking about crime. I want to make a couple of comments without getting into any —, excuse me —, details or talking about any type of merger is the Crime Commission's been around since 1986 and hearing the same conversations, hearing the same political arguments since that time. We're citizens. It's your job and the number one job in our opinion that you have and that is to provide for public safety. That comes before roads, that comes before buildings or programs, and this is something that is really affecting the community today. We have a sort of unofficial motto, and that is that any community will experience the level of crime that it's willing to tolerate and that's a mouthful. Back in the late 1980's, early 1990's, the International Association of Chiefs of Police made a comment that said that the best —, they found out that the best deterrent to crime was to create an environment in which a potential criminal believed that he would be rapidly apprehended and thoroughly punished. The only way that we can do that is in police visibility. We have seen it time and time again. We can talk about programs, we can talk about working with the youth, we can talk about all of these things, but I know at least in the neighborhood in which I live you see the blue and white coming down the street, that has the biggest, fastest affect on anybody. We're seeing the populations of our community grow and at the same time we're not being apparently willing to put the resources into that same type of growth. This is what the Chief was just talking about as far as when we're talking about ratios. The other thing, and I'd like to address Chairman Hair's comments about responsibility, authority being removed from responsibility. I think that is something that we need to be very careful about. This is not meant to be any kind of comment about Sheriff St. Lawrence, but the idea of if we do a merger, of

putting a combining law enforcement force, which would be probably the most powerful in the area, in the hands of one elected official. Sheriff St. Lawrence is not going to be with us always. You're not going to be with us always, but the laws or the ordinances that you put into effect will be here probably a lot longer than you are. And the idea of having all of our police officers reporting to one elected official in my mind is a dangerous concept. And I'd like to say thank you for your time and I'll answer any questions if you've got any for me.

Chairman Hair said, thank you, Mr. Pryor.

Commissioner Odell asked, what do you think should be done, Rick [Pryor]? Mr. Pryor said, one of the things that, just listening to the comments this morning, is that we can sit back, we can talk about Pooler, Thunderbolt, Port Wentworth and all those, but those and as far as when we combine them, and I will agree that in concept that's probably the best thing that we could do, but we also know that that comes into even more politics, and that means a delay, and that means more arguing. More arguing, more turf guarding and all of that, and in the meantime we're having people that are being hurt. We're talking about costs. The whole idea as far as one of the things that we've talked about, and it's certainly not a perfect idea, but I would like to ask you to think about any of the decisions that you've made on any important object. I mean, on any important decision, what's been perfect? It's not, and it might unfortunately be learn as you go, but the idea of the combination of the Chatham County Police Department and the City of Savannah is something that I think we need to look at seriously, and one of the things that we're talking about is the County Commissioners, you have a number of you who might be opposed to the idea. You might have a number of Aldermen, but perhaps by getting up here and speaking today and having enough citizens getting up here and speaking today, we can maybe change some minds.

Chairman Hair said, okay. Okay, Mr. Pryor, I want to make a comment and then Commissioner Kicklighter. Since you stated your opinion about my comment, and that's what it is, your opinion. Mr. Pryor said, as well as that's yours. Chairman Hair asked, are you aware —, I don't think so, sir. Are you aware that this system's operated very well in Jacksonville for 35 years? Mr. Pryor said, I'm familiar with Jacksonville. As a matter of fact we looked at —. Do you want me to answer or do you want to comment? Chairman Hair said, I just wanted —, you said you're aware. That's what I needed. Mr. Pryor said, yeah. Chairman Hair asked, are you also aware that no county that's ever gone to this has reversed themselves and gone back to the old system? Are you aware of that? Mr. Pryor said, I'm not aware of that, but to me that's somewhat irrelevant to the whole concept, and that is the idea that if you take a look and you look at the State of Georgia, which is unique, and unique in the fact that we have more counties in the State of Georgia, I think, than any other state in the union, if I'm not mistaken. Commissioner Rivers said, except Texas. Mr. Pryor said, do they? But you take a look also and take a look at the archives when you talk about corruption, and that's something that nobody likes to talk about. They like to tiptoe around it, but there have been certainly a number of incidences in other counties in this State where that has become an issue, and in my mind, and again my opinion, it is far, far more difficult to remove an elected official than it is to a manager, which is what the Chief of Police is.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, yeah, I'd like to ask, has your organization ever addressed the State Assembly on tougher laws? Mr. Pryor said, I'm going to tell you that the Citizens Crime Commission, we are —, we still maintain our nonprofit status. The size of our organization fluctuates just like —, just like the weather because we're an all volunteer group of people, and quite frankly, the work that we've done on that has cost us a lot of money and a lot of time over the years. As far as getting together with the people in the State Legislature, yes, we do talk to them especially if there's an issue that we feel strongly about. We'll go and I think we've got probably a good relationship with most of our representatives. Commissioner Kicklighter said, I'm compelled to agree with Dr. Thomas here, and I agree with the Chief. We need more police on the streets, but the system in place from nationally on down, look at third world countries and here we go, people that cut people's hands off that steal, people don't steal in those countries. People that kill the killers immediately, their murder rates are low. These police, our police here as well as Chief Flynn in Savannah, Georgia, they catch these criminals. They catch them regularly, and I would almost bet that this whole crime wave going on right now, the people doing it have been arrested, have been in jail, and they're back out. Our whole system from the top to the bottom of this is really messed up as far as punishment is concerned. I had a brother myself that was murdered and, to say the least, the whole system has been pure hell on my family. Mr. Pryor said, no doubt. Commissioner Kicklighter said, and it's —, you know, we can sit here and all feel good and talk about adding more police, yes, we need 'em. We need 'em, but the real problem is keeping those sorry people behind bars when they commit these crimes. They catch 'em. We've got great detectives in Chatham County. They catch 'em. We've got great ones in Savannah. They catch 'em, but most of them, I don't know the stats. You probably do because you devote more time than I do, and I appreciate what y'all are doing, but we've got to somehow come together as a community, as a group and not only look at adding more police, but actually the punishment that takes place once these people are caught, and I think we could be very productive and the people right now, if —, I guarantee you if they ever find, which I believe they will, who's doing this, I guarantee you they've committed crimes in the past and have been let out of the jails. And if our judicial system was tougher on them and would keep them there, we could deter crime in the future.

Chairman Hair said, thank you, Mr. Pryor. Mr. Pryor said, let me address that if I may. I know that time is short. Chairman Hair said, you need to wrap your comments up, sir, we're about ready to vote here. Mr. Pryor said, I understand. But in talking about what you're talking about, I had that —, I've talked to a number of chiefs of police in the years I've been working on the Crime Commission. When it was with [inaudible] Greenberg, we were talking about Charleston. You guys can talk to the elected officials in the State government. You can talk about parole, you can talk about probation, you can talk about the Department of Corrections, but that's all you can do is talk about it. But

you can do something about police visibility, and when I asked him about that situation, he said, you know, he said, I can't change what the judges do, I can't change what the prisons do, but I can keep going out there and I can arrest them as many times as I have to, and he said, that's what I focus on is that is my job to stop them. He said, what they do with them once they gets to the courts and once they get into the prison system is up to somebody else, but he said, as chief of police it's my job to stop them. Commissioner Kicklighter said, and I don't disagree with you. You're right. Mr. Pryor said, and I think that that's what we need to look at.

Chairman Hair said, thank you, Mr. Pryor. Mr. Pryor said, thank you very much for your time. Chairman Hair said, ma'am, come state your name for the record please.

Ms. Sheila Morley said, good morning. My name is Sheila Morley and I also serve on the board of the Citizens Crime Commission and I think we pretty much have covered this multifaceted issue on crime in terms of what needs to be done about it, and we all know it's just like the war that we're about to fight that the leadership has to give the front line and the chief the tools and the revenue to do the job right. You can have a strategy, but if you do not have the components and the ingredients to make it successful, then it's lost before you begin, and I do think that we go back to the very first thing that the Crime Commission said at its first meeting, and I don't know if Chief Gellatly remembers this, but the attitude of the leadership in a community determines the action of the entire community, and if you are soft on crime and you send that message to the criminals, because whatever's decided here today or next week, the criminals already know that Chief Sprague is short in the incorporated [sic] area. That's a great place to go out there and know that you can pretty much be guaranteed you're going to get away with crime because if you can get away in the first few minutes of committing a crime, then you're probably going to get away with it. But if you have a --, you have enough officers out there to respond in an appropriate fashion, then the more likelihood is that they're going to be caught and they're going to be put away. So I urge you, and I could comment on everything that's been said today, and I do think that --, one think I do have to say is I know Jacksonville and while it may work on paper, it's --, those citizens down there are not happy campers either. There's a lot of corruption in that police department and there are a lot of problems. So, you know, it's not as pretty as it looks. It may work on paper, it may be working financially, but it's not getting down to protecting the citizens. Chairman Hair said, thank you. Ms. Morley said, but I would like to say that I urge this merger. I think that we cannot operate. As societies are sophisticated and grow, we have to get creative, we have to keep up, we have to be progressive, and I think that it's incumbent upon you folks to think out of the box and jump out from the past and move forward and get creative, and I also think that we have to listen to the professionals that you have hired here and pay tremendous amounts of money that have gained lots of experience over the years in their efforts and truly fighting crime every day. None of us fight crime every day, and I think you really have to lean toward the recommendations of the people that you hire to do --, provide the services in their area of expertise. I urge you to look at this idea of merger and I think that Chief Flynn and Chief Sprague can truly assist the success of this --, this proposal and this opportunity. It's an opportunity for this community that we can't pass up. I urge you to work with them.

Chairman Hair said, thank you, Ms. Morley. Ms. Tyson and then we've got to vote, but go ahead, Ms. Tyson.

Youth Commissioner Tyson said, I don't want to sound redundant or anything, but I agree there's a lot of talk and less action, and the best thing to do is to come up with a permanent solution because I can see the frustration this subject has been the topic of it coming up over and over again. So, I mean, it's better to come up with a permanent solution since they were going to do this and then it fell through.

Chairman Hair said, thank you, Ms. Tyson. I'll call on Commissioner McMasters to restate his motion and then we're ready to vote.

Commissioner McMasters said, okay. My motion is that the Chatham County Commission give conceptual approval to the police department merger, fund it as much as legally possible off the top of the forthcoming SPLOST referendum. Chairman Hair asked, does that motion have a second? Commissioner Gellatly said, second. [NOTE: The motion was originally seconded by Commissioner Rivers.] Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Commissioner Rivers said, I already seconded it. Commissioners Rayno, Rivers, McMasters, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair voted in opposition. The motion carried by a vote of eight to one.

ACTION OF THE BOARD:

Commissioner McMasters moved that the Board of Commissioners adopt a resolution showing support for the merger of the Savannah Police Department and the Chatham County Police Department and that it be placed on the SPLOST ballot in March 2003 for as much funding as legally possible. Commissioner Rivers seconded the motion. Commissioners Rayno, Rivers, McMasters, Murray, Odell, Gellatly, Kicklighter and Thomas voted in favor of the motion. Chairman Hair voted in opposition. The motion carried by a vote of eight to one.

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5. MPC MEMBERSHIP (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah. This has come up over the last couple of years also, and under the MPC membership back in 1989 it was changed where we would add the City and the County Manager to the MPC board. Those positions would be there. After thinking about it and watching the process over the years and the amount of time that the managers spend during their day-to-day job of overseeing the County and City employees, maybe that was not such a good decision on our part when we did it. I did go a couple of years ago to a City Council workshop. They did not want to change that policy, but after talking with some of the people in our Legislature and also with our liaison, Bob McAlister, about this, he seems to think that there would be no problem if we did a resolution from the County changing the County Commission's side where the County Manager would stay in there as that position but would also have the authority to designate somebody to go in his place to serve in that position. That --, by doing that, it takes the pressure off of him and it sends somebody else over to represent the County. So I would move that we do that. Commissioner Rayno said, second. Commissioner Rivers said, second.

Commissioner McMasters said, I'd like to make a --, can I make an amendment to that? Chairman Hair recognized Commissioner McMasters. Commissioner McMasters said, to wrap up some old business. Chairman Hair said, certainly. Commissioner McMasters said, I'd like to make an amendment. We had discussed earlier and the County Attorney needed time to advise. The County Attorney advised, and this goes to where people live when they serve on the MPC as County appointments, our six, and I'd like to make an amendment that all County MPC commissioners must reside within the unincorporated area of Chatham County prior to taking their office.

Chairman Hair asked, do you accept that? Commissioner Murray said, yes. Chairman Hair said, okay. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, you know, this is stemming off of my appointment of Mr. Jim Poteet in Pooler, Georgia, whom I was questioned by a Commissioner if he worked for Mr. Bill Grainger, which owns the property that's being sold to Walmart. I was shocked to hear that he may work for Mr. Grainger so when --, because I called Mr. Poteet and asked him if I could put him on there. So when Mr. Poteet drove by my house, I walked outside and I said, do you work for Mr. Grainger, and he said, "No, Dean [Kicklighter]. In fact, I don't even hardly know Mr. Grainger." So, you know, this is low, dirty politics taking place right here. I've got a man from Pooler, Georgia, who served on the council there, he was on their planning commission. I believe chaired their planning commission. The man drove around with maps in his car and would show you with excitement what was going on. You know, this is just blind-sided, low-down dirty politics taking place here. You don't have to reside in the unincorporated area or Savannah to do a good job for Chatham County, and I would encourage all of you, if this is going to be packaged into one, I wholeheartedly support the part of Russ [Abolt] being able to appoint someone there, but this is --, this is nonsense taking place here, and for the [inaudible] and I won't point the person out, and, you know, and I see no problem if the man did work for Mr. Grainger, but the question popped up. The man does not and he actually does not even hardly know the man. So, you know, I don't appreciate it and I would appreciate the rest of the Commission shooting this down and let them separate it --, the motion for Russ [Abolt] there.

Chairman Hair said, Commissioner Kicklighter, I totally support your position. I think this is an attempt to stack the membership of the MPC. I just think it's a bad motion and I would hope Commissioner Murray would separate it as Commissioner Kicklighter has asked to do so. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I regret the fact that --, I guess, me, since I made the motion, and being accused of setting something up --. Commissioner Kicklighter said, I don't believe you just said --, I don't believe you brought in the part that I was talking about. Commissioner Murray said, he made an amendment and the Chairman asked me if I would accept it and I said yes. Commissioner Kicklighter said, I'd like to respond to --. You didn't make the motion, so --. Commissioner Murray said, it doesn't matter to me how it's done. I mean, we can vote on it any way we want to. It's up to the Commission on whether we can separate it or not. First of all, normally in an amendment if I accept a friendly amendment, which I did, that's fine, but if the Commission wants to vote on it separate, they can vote on it separate. It makes no difference to me.

Chairman Hair recognized Commissioner McMasters. Commissioner Rivers said, you've got to vote on the amendment. Commissioner Murray said, I mean, the amendment's got to be voted on regardless. Commissioner Rivers said, yeah. Commissioner Murray said, so it would be a separate issue. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters asked, Commissioner Kicklighter, did --, how much did Mr. Poteet contribute to your campaign last time? Commissioner Kicklighter said, I don't know. He was --, he was initially my --, one of my campaign managers. A very good man. Chairman Hair said, I think that's way below the belt, Commissioner McMasters. I think --, I just think this is way --. Commissioner McMasters said, all right. I withdraw the remark and apologize there.

Chairman Hair said, all right, let's vote on the original motion first, which is to authorize a --. Commissioner Rivers said, the amendment. Commissioner Murray said, you have to vote on the amendment first. Commissioner Rivers said, the amendment first. Chairman Hair said, okay, the amendment first. The motion on the --, the amendment is to only limit County appointments to the unincorporated areas. All those in favor vote yes, opposed vote no. Commissioner Kicklighter asked, what now? To what now? Chairman Hair said, limit it to unincorporated area prior to taking office. Commissioners Rayno, McMasters, Murray and Gellatly voted in favor of the amendment. Chairman Hair and Commissioners Rivers, Odell, Kicklighter and Thomas voted in opposition. The amendment failed by a vote of five to four. Chairman Hair said, the amendment --, well, okay fails. It fails five to four. Okay.

Chairman Hair said, now on the original motion that Commissioner Murray –. Commissioner Murray said, to allow the County Manager to appoint –. Chairman Hair said, okay, and that has a second. Commissioner Murray said, yes, it had a second. Chairman Hair said, all right, all those in favor of that motion vote yes, opposed vote no. Commissioner Thomas asked, to allow the –? Chairman Hair said, the County Manager to send someone. The motion carried unanimously. Chairman Hair said, that motion passes.

Commissioner Murray said, let me just explain something on this. Chairman Hair said, certainly. Commissioner Murray said, and I don't know if there's going to be more hard feelings after I'm going to say what I do or not, and if there is, then so be it, but, you know, the City Council has half the appointments on the MPC and the County Commission has half the appointments on MPC. We fund MPC out of SSD. That's why I support County appointments for MPC being out of the unincorporated area. Not to try to stack the deck or not. If you don't do it that way, it's going to be stacked the other side. So that's why I support doing it that way. I just want to make it clear.

Chairman Hair said, thank you.

ACTION OF THE BOARD:

1. Commissioner Murray moved that the County Manager be allowed to appoint someone from the County to serve in his place on the MPC membership. Commissioners Rayno and Rivers seconded the motion.
2. Commissioner McMasters offered a friendly amendment to the foregoing motion, which was accepted by Commissioner Murray, that all appointees from Chatham County on the MPC be residents of the unincorporated area. A vote was first taken on the amendment as follows: Commissioners Rayno, McMasters, Murray and Gellatly voted in favor of the amendment. Chairman Hair and Commissioners Rivers, Odell, Kicklighter and Thomas voted in opposition. The amendment failed by a vote of five to four.
3. A vote was then taken on the original motion and the motion carried unanimously.

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6. ANNEXATION (COMMISSIONER RAYNO).

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I've received calls from a number of people concerning the annexation along Louisville Road and I'd just like to read into the record one that was sent from Ray Dumont [phonetic] to the City Council. He says, "I'm the managing partner of Maritime Park located on Louisville Road which is proposed for annexation to the City of Savannah. Our company has been operating at this location since 1970 serving the port industry. Our competition continues to enjoy no city taxes in Garden City, Port Wentworth and now Effingham County. Many industries choose these other areas instead of the City of Savannah because of the different tax structure. This annexation makes my company less competitive when the economy is still struggling. I feel that this annexation will cause new business to choose not to come to the Louisville Road area and existing businesses to leave the area. It is good for Savannah to have an industrial area close to the City that can compete with Garden City, Port Wentworth, and Effingham County industrial businesses. I feel that the move has come very suddenly with property owners having no voice. I'm asking that you vote no for the annexation or at the very least let's pull the vote until all property owners have had the time to fully understand the impact." And me, as a Commissioner, wondering why the citizens don't want this to happen, but the City's going in there and are saying we're going to make it happen because this is good for you. When a government comes in and says this is good for you, regardless of the voices of complaints by the citizens in that area, what you change from is you change from a republic or a democracy into a dictatorship, and this is not right and these people are annexing the most profitable portions of Chatham County to shore up their tax base, and that is not right. The City claims all the time that they don't raise taxes, but go try to buy a mixed drink. That price went up. Look at their tipping fees for garbage, look at their water rates, look at their parking rates, and they go around and say we didn't raise taxes, and the newspaper gives them a free ride, too. It says, look, they did a great thing, they didn't raise their taxes, but in fact they're robbing and going anywhere they can to find money to balance their budget because they knew that they lost 6,000 citizens in the last census and people are still moving away because of these tactics being used by the City. It's not right. I'm opposed to this annexation and I'd like to pass a resolution saying that we are against this annexation. Commissioner Kicklighter said, second.

Chairman Hair said, that motion has a second. I totally concur with your opinion, Commissioner Rayno. I think you're absolutely right. Mr. Derst, you're here. Do you want to make any comments, sir?

Mr. Edward Derst, III, said, yes, I'm Edward Derst of Derst Baking Company. I'd like to give you all just a little bit of background on this. Somewhere back in the 1950's or maybe even earlier the State of Georgia through a constitutional amendment set up some industrial zones along the Savannah River on either side of the City of Savannah. One extends, I believe, from East Broad eastward and the other one from somewhere around where the Talmadge Bridge is to the Port Wentworth city limits. Later on in 1978 when there was a City annexation, the Legislature in allowing this annexation to go set up some industrial zones –, industrial islands, unincorporated islands. Unlike the industrial zones down on the river, they weren't done by constitutional amendment. However, they were to give the industries in those areas a little bit of a benefit of being not taxed as much as they would be if they were in the City. Those industrial

zones on the river are limited to five mills of property tax. The unincorporated areas though ever since 1978 have been gradually whittled away by legislation to allow the City of Savannah or any municipality to, with notice and then 30 days later a vote by the municipality, to just annex them. The businesses in those areas don't have a vote on this and we are County residents. I don't know whether y'all have a vote in it, but I do believe y'all have a dog in the fight that needs to come out and say, hey, City of Savannah, we're not in favor of y'all annexing, and I'm not sure whether y'all doing that, whether that's a possibility, but I would ask you to strongly support Commissioner Rayno's resolution. Thank you.

Chairman Hair said, thank you, Mr. Derst. There's several of us, I know I'm planning to be at the Council meeting and I think Commissioner Murray and, Commissioner Rayno, I think you may be planning on being there as well, I'm not sure, but to support this, so. Commissioner Murray and then –. I'm sorry, Commissioner Kicklighter. I apologize. I had him written down. That was my fault. Commissioner Kicklighter and then Commissioner Murray.

Commissioner Kicklighter said, Mr. Chairman, I just want to state that I oppose the annexation also and I want to just kind of state the reasons. I support annexation in general although I know it costs us from the SSD budget if annexation is done in a dual referendum. You know, if you voted, if you had the opportunity to vote and approve it, as well as the residents of Savannah and both sides approved, that's fine with me because I'm not going to sit up here and be hypocritical because as Mayor we annexed, but we did it with a dual referendum, and I believe that's the proper way to go. And if Savannah ever wanted to give y'all the option to vote on it, then I believe that's the fair and right thing to do, but the way they're trying to just take over and just –, really I believe just get your revenues because I don't think they have a whole lot to offer you that you're not getting right now, I don't this is the right thing to do.

Chairman Hair said, Commissioner Murray and then Commissioner Gellatly.

Commissioner Murray said, you are right. The County really does not have anything legally that we can do to stop it. We can do what we're doing with the resolution, we can go to their meeting, we can argue against it. We had a meeting a couple of weeks ago with our local delegation and talked about different issues that we would like to have resolved. The Chairman brought up the fact about annexation. They said, oh, but y'all do get notified and y'all can do something. The fact is we cannot legally do anything. If we could, we would. We're doing what we can do by passing a resolution today, by some of us going to their meeting and arguing against the annexation, and if you'll notice anytime you see something that starts generating revenue, they come after it. They did the same thing with Hutchinson Island after the County developed Hutchinson Island. Now they benefit from all of the revenues off of it along with a lot of other areas throughout Chatham County, and eventually is if they keep going, they will keep moving far enough within those corporate limits that they can annex other areas then. So there's some real problems with annexation. And another problem we've got with annexation is when Tybee Island annexed in the Lazaretto Creek area several years ago and they skipped over DAV Island and Spanish Hammock. That is still part of the unincorporated area. Now, does that make sense? No. The reason that was given by some of our delegation was, well, the people of Spanish Hammock didn't want it. Well, what is the difference in that and the difference in what's going on today? It's just kind of spot annexation whenever they decide to do it to bring in more revenue.

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, you know, basically I support a city's right to annex, but I have severe problems when you have a group of people that are going to be directly affected when they object to it. I think they have rights too and I think their rights are much more prominent. I think that the City in this case is tending to what we call cherry pick, pick property that's going to be –, help them enhance their revenues. I really truly believe if that same area was a hazardous waste dump that they wouldn't be making that same argument to annex it, and so I have some very severe problems with it.

Chairman Hair said, I have a motion and a second to oppose the annexation, a resolution. All in favor of the motion vote yes, opposed vote no. The motion carried unanimously. Chairman Hair said, I also think it's important, Madam Clerk, if we could get that resolution done quickly since they are going to vote on this on Monday. If at all possible if we could get that communicated to the City this afternoon. If not, the very first thing Monday morning because they are going to vote on this at two o'clock at their meeting on Monday. They moved their meeting from Thursday because of Christmas.

ACTION OF THE BOARD:

Commissioner Rayno moved that the Commission adopt a resolution in opposition to the City of Savannah's proposed annexation of certain unincorporated islands. Commissioner Kicklighter seconded the motion and it carried unanimously.

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7. POTHoles IN COUNTY ROADS (COMMISSIONER RAYNO).

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I'll be brief. Every year I drive around my district looking for potential problems before I get citizen complaints and it just was a coincidence I started to get pothole complaints the time I was driving around and I was locating potholes. I was wondering if it was possible to create what they do in other cities, a pothole crew that just goes out specifically for the task to fill all those potholes as quickly as possible, and that's only a suggestion for increased productivity.

Chairman Hair recognized County Manager Abolt. County Manager Abolt said, we're going to look at that, sir. Chairman Hair said, thank you.

ACTION OF THE BOARD:

Received as information.

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**8. CHATHAM COUNTY SCHOOL BOARD MEETING IN COMMISSION CHAMBERS
(COMMISSIONER MCMASTERS).**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. In reading the newspaper and listening to the School Board meetings, I know that they're short on space and without an adequate facility to conduct their meetings. So I wanted, in the effort to economize here and be proactive, I wanted to suggest to my fellow Commissioners that we work out a schedule and ask them if they'd like to use our chambers for their meetings and our facilities.

Chairman Hair said, I don't think anybody would object to that. Anybody object to that? We make that --, maybe we could draft a letter under my signature to the President of the Board and offer that. I think that's a good suggestion, Commissioner McMasters.

Commissioner Rayno said, the Colonel sit in my chair. Chairman Hair said, okay. He'll sit wherever he wants to sit. Okay.

* * *

Commissioner Murray asked, could you bring us up to date on what has transpired since our last meeting on our motion to do the binding arbitration with the School Board on how to calculate the fee?

County Attorney Hart said, yeah. We've done some research on that and it would appear that if you got both governmental entities to agree to an intergovernmental type agreement, that probably you could put an arbitration clause within that agreement that would probably be binding upon the governmental entities. Recently we just did one with the Port Authority on an easement issue that we --, just sort of simultaneously came up. I spoke with the School Board attorney about these issues and, of course, he's right in the middle of a change in some administrative staffing positions over there at the Commission and had not had the opportunity to speak with the new President of the School Board about it and there's a lot on their plate, but I indicated to him that the Commission had indicated that they would like to discuss the possibility of seeing if there was some way to resolve these issues, and the primary issue is going to be a fundamental agreement on costs. I mean, you know, what's included or what isn't included, but as far as doing an intergovernmental agreement, it could be done that [sic]. The School Board attorney in discussion, and we were talking in general terms, seemed to lean towards trying to work out some type of an agreement, and that assumed an agreement because neither one of us were empowered to stake out a position or try to negotiate that, but if an agreement could be reached, perhaps do it by special legislation, and that would also be an alternative for it.

Commissioner Murray said, maybe I'm misunderstanding, but the motion that was made and approved was for you to work with their attorney to come up and see if they would be in agreement, if we could legally do it, to a binding arbitration strictly to work out how we arrived at the numbers. County Attorney Hart said, yeah, and I think that's --. Commissioner Murray said, not to do an intergovernmental agreement to do anything else. County Attorney Hart said, well, I think it 's going to have to come through an intergovernmental agreement to make it a binding arbitration type --.

Chairman Hair said, he sent us a memo that said that basically. County Attorney Hart said, but I don't think the School Board's side of the equation at this point has really gotten back to tell us whether they would be interested in some type of binding arbitration.

Commissioner Murray said, so what I would like to do then, we just go a little bit further since this is not going to go anywhere between now and the first of the year when our delegation goes back in session is to send each one of our representatives, each person in our local delegation, a memo stating what we are offering to the School Board to do.

Chairman Hair asked, can I also suggest, Commissioner Murray, if it's appropriate that maybe there's a possi--, that maybe if the Commission would authorize or ask me and the County Attorney to meet with the School Board President

and the School Board attorney to see if we could make sure that that happened. I mean, does anybody have any objection if we did that?

Commissioner Murray said, I don't have any objections to it. I just want --, I just want --. Chairman Hair said, I mean, [inaudible] what you're saying, send the letter but also maybe in the first of January sometime --. Commissioner Murray said, I just want our delegation to know that we aren't sitting by, we're taking their advice from that meeting with them and we're trying to do something.

Chairman Hair asked, would anybody object if the four of us meet to basically see if we can hash this out and --? Without objection? Okay.

ACTION OF THE BOARD:

The Board agreed that the School Board would be offered the use of the Commission Chambers to hold the School Board meetings.

The Board further authorized Chairman Hair and the County Attorney to meet with the School Board President and the School Board Attorney after the first of January, 2003, to work out issues regarding the collection fee/binding arbitration.

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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 (*).
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- 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 action 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 was provided at meeting of December 6, 2002.**

ACTION OF THE BOARD:

This action was not placed before the Commissioners for consideration.

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COMMISSION POLICY REGARDING TABLED ITEMS

Commissioner Rayno said, with your indulgence, Commissioner McMasters might not know this, but we have a policy where if something's been on the table for a consecutive number of weeks it's taken off and then it just disappears, and I don't know if he might want to pull off the 11.3 issues that have been on there for a number of weeks. Chairman Hair said, well, those come off automatically after this meeting. The policy that we passed says that if it's on there for three meetings and not acted upon, it comes off. So I asked --, I just asked the Clerk about this last week that's why I'm aware of that. Those two will come off automatically if no action is taken today.

Commissioner McMasters asked, well, could I ask for a point of clarification? Chairman Hair said, certainly. Commissioner McMasters said, this list was not completed until –, the total inventory was provided on December 6th, so it was a work in progress although the subject was on. So does that have some bearing here on the life –?

Chairman Hair said, the policy that we passed, it was Commission policy that we passed that items would, and certainly this Board can change it if they want to and there's no reason that we can't change it, but the policy was that if an item stayed on the table and reconsider page three consecutive meetings and no action was taken, it would come off automatically. The reason we did this is because we had –, it was just really to clean the agenda up. We had items that stayed on there for six months and everybody just kind of forgot it, it wasn't important anymore and it just kept staying on there. So if the Board wanted to modify its policy, they could do that.

Commissioner McMasters asked, could I –, let me say that I –, I was away for the week at the State mandated training. There is some further review work and thought that I'd like to apply to this subject. Can we make a motion to –. Chairman Hair said, I think –, this is going to sound silly to you, but I think we could take it off the table and then retable it and it would start the clock again on the three without changing the policy. Commissioner McMasters said, if I just had another meeting to address it at that –. Chairman Hair asked, are you talking about just waive the policy on that one item for one meeting? Commissioner McMasters said, yes. Chairman Hair said, okay, I think it would be appropriate to do that motion.

Commissioner Rivers said, point of order, Mr. Chairman. All he has to do is bring it back when it comes. If this goes off, all he has to do is place it back before the body. Chairman Hair said, he could put it back under Commissioners' Items if he wanted to do that. That would correct. Commissioner McMasters asked, well, why don't we do it that way? Chairman Hair said, yeah, I think that would be appropriate. Commissioner McMasters said, okay. Chairman Hair said, thank you, Commissioner Rivers.

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**3. 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.]
At meeting of December 6, 2002, Commissioner Rayno requested reconsideration of this item.**

Chairman Hair said, Commissioner Rayno brought this up. Commissioner Rayno said, I'd like to reconsider number three then. Chairman Hair said, okay, I think it would be appropriate at this time just for all of us to have the staff quick to give a –, sort of where we are and, you know, what and then any questions that the Commissioners have.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, thank you, Mr. Chairman, Dr. Thomas, gentlemen. I'd like to introduce County Engineer Al Bungard to start out with a brief presentation highlighting the very innovative way in which we've approached the banking of wetlands credit which will definitely facilitate and in many cases expedite our construction of roads and drainage programs.

County Engineer Bungard said, when we started looking at all of our mitigation requirements about four or five years ago after I got here, it became clear that we were having more and more problems finding mitigation, and then I thought I embarked upon something that was going to be innovative and proactive to see, well, are there any banks in the County? The answer is no. Can we do a bank? Yes, but never been done in the County. And I met with the people at the Corps of Engineers and they said, "We will make an exception that if you want to attempt to find what we will call a multi-project mitigation site for the exclusive use of the County, if this deal goes through –, because you actually save by not having to go through the development and the banking instrument costs –, that we will consider this." And so we started with a intergovernmental agreement with the Corps of Engineers to look at what might be out there throughout the County. They did that. We went through a deliberate process of looking at those geographical areas and it turns out, for instance, some ten of the tracts, I think, were –, not tracts, but those areas –, were involved with International Paper, not for sale. Another three to four properties owned by one family we're currently in litigation with now, not for sale, and then it actually went on the shelf for a while. One opportunity came along with a property on Pipemakers, which we had carved for that mitigation, and then we started to look in more detail about the specific requirements for Hardin Canal. Without going into the intricate process of permitting with the different kinds of credits and all that, we found that there was no single property in the County that can be used to meet the mitigation requirements for the Hardin Canal. While meeting with one property owner in the same general area, our consultant said "Let us re-look an area that was not identified before nearby across the road." That comes us to the tract in question, and we went in there and took a look, did a delineation and found out that it had merit that even International Paper had not recognized, and we approached them and said, "Will you consider?" They said, "Yes." We've been working on this for a couple of years. It was a deliberate process. By way of aside, Beaufort County is running into the same kind of problem right now across the river. There just aren't that many. Just because there's wetlands out there doesn't mean the Corps of Engineers will agree or the EP at the Fish and Wildlife that they have mitigation potential or credit.

In this case, you know, and just like the contract, the owner said, you know, one, I'm not going to sell you part because I'm getting a better offer, what we now know is JCB, but I will consider you —, selling you all or nothing of another tract similar here. As it turns out, on the tract in question there are a lot of other benefits. But in this process, any decision-making process, you've got to have a benchmark for what's cost effective and what's not. The standard for that is what does it cost to go to a bank. Obviously, we wouldn't want to spend \$10,000 of credit unless the Corps told us we had to, and they can make us do that, so we sort of said, "What's the going rate and [inaudible] an average for credit?" About \$2,800. That became the mark on the wall as we went through a process, so anytime if we thought it would go over that we'd say, "No, that ain't going to work, we're going to have to look at something else." And in the meantime, you know, of course the cost of doing business is going up, and so at the time I wrote that first staff report, where I came up with a "conservative estimate" of 352. That was based on an average of around \$2,800. Well, after that I called the consultant and said, "By the way, get me an update. What is the going rate now for credits that will specifically qualify for the Hardin Canal and other projects?" Well, in the meantime, those banking credits had been sold outside the County and the cost of doing business went up from \$2,800 for one to \$4,000 a credit. Ergo, a change in the value and the cost benefit. You know, I was very comfortable before with the conservative estimate of \$2,800 per credit. Now it's a less conservative based on new values, but I strongly believe that this will make, you know, the County some money. Call it cost avoidance, call it savings, but the cost of doing business, if this doesn't go through, will be to slow —, put this on hold, go back to the Corps, ask for permission to look elsewhere regardless of cost, and other benefits. You know, if we have to go look at 10 other sites, do wetlands delineation there, 10 procurements, 10 monitoring plans at \$25,000 [inaudible] to 30, the cost of doing business, development costs just go up.

Chairman Hair said, Mr. Bungard. County Engineer Bungard said, yes, sir. Chairman Hair said, I want to first commend you personally. I think this is innovative. I think you have spent an awful lot of time and effort doing this and I think this saves the taxpayers money, a lot of money in the long term, and I want to commend you personally for your efforts in this. I just think its good and I would hope after all the discussion I'm sure is going to take place, that we approve this. Anybody want to —. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I just want to say I think you did a great job too. I rely on your opinion that —, your hard work, your effort. You are a topnotch engineer, you know what you're doing, that's why we pay you the big bucks, and I appreciate all your work and appreciate you saving the County all the money and helping us out with the drainage problems.

Chairman Hair asked, anybody else. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, I've got a few questions. And my colleague, Commissioner Odell, suggested that I kind of give a summary, which I'll try to do, and then I have some specific questions. The struggles that I have here and that hopefully by way of summary is really twofold. One is evaluation question relative to this site. The other is almost a due process question as to who can participate in County mitigation, wetlands credits, the collection of them or the creation of them to satisfy the needs of our SPLOST projects. So the summary here is that this is a very noble objective and necessary thing to do to create these credits that are required by our SPLOST infrastructure operations, but how we've gone about it and some of the methodology I have questions about, so I'd like to —, having said that, I'd like to go into those specific questions, and let me mention the players because it's complicated. We've got the taxpayers of Chatham County, we've got the Chatham County Engineering Department, we have International Paper, also know as sustainable forests, we have the Army Corps of Engineers, we have a firm by the name of Dial Cordy [phonetic], we have a firm by the name of Newkirk Environmental, also known as NEI, we have Moreland Altobelli Associates, we have Stewart Lindner & Associates, Neill McDonald, the Board of Assessors and the Tax Assessors office. Would you agree that those individuals and groups are all part and parcel and germane to the subject? County Engineer Bungard said, no, sir. I do not think necessarily the Board of Assessors. What the Board of Assessors assigns to a value is not a factor in the right-of-way acquisition of property program. We acquire, we appraise through generally extended standards of practice, through GDOT approved processes, we appraise based on fair market value. I don't know what percentage of the time our value is higher. I know it's well over 90%, but so I —, you know, when we have to either condemn or negotiate, you know, people won't sell to us, you know, for tax assessed value. I can't stand in front of you and say that, you know, this is the way the buyer —. Commissioner McMasters said, so you want to tell us that the values that are placed on real property in Chatham County are relevant to this equation. County Engineer Bungard said, I think that separate from the issue, they have different appraisal processes, which I'm not familiar with and I won't pretend to try to explain, you know, from ours. You know, they look at certain things and when we go through a fair market value analysis, it considers different things, and I —, I have with me today Mr. Lee Stewart is here and Mr. Gordon and Mr. Brown from Newkirk Environmental to try to answer any of these questions about the details of the process. Commissioner McMasters said, okay. Well, my questions for the moment are for you, Mr. Bungard. Can you tell this Commission —, we have these nine outlined SPLOST projects ongoing. How many have not started? That is, construction has not begun. County Engineer Bungard said, well, one of them has been, the one that required in the end no credits, Wilmington Park Canal. The rest are in some stage of environmental analysis. Commissioner McMasters said, I mean, we're years away, are we not, from completing the majority of these SPLOST projects? County Engineer Bungard said, no, that's not true. Commissioner McMasters said, okay. County Engineer Bungard said, Jimmy DeLoach Parkway. We've had the public hearing, we're waiting for approval of the environmental document from the Federal Highway Administration, and as soon as that comes back, we will be about finalizing the right-of-way plans and —. Commissioner McMasters said, I said completed, meaning the citizens of Chatham County are able to utilize these things, that they're all signed, sealed and delivered. I understand that work is ongoing. County Engineer Bungard said, yeah. Commissioner McMasters asked, how many of these projects are finished? County Engineer Bungard said, they're not because we don't have all the environmental credits. Commissioner McMasters said, that's the answer. County Engineer Bungard said, acquiring this land is contingent upon getting a permit.

Commissioner McMasters said, okay. Let me simplify the question. At what point and time, according to the Federal government and the Environmental Protection Agency, do we have to have these credits secured? County Engineer Bungard said, their general policy is now, which has changed, I believe, that –, it used to be that we could get a permit years ago without having it in place, and now they are saying we want to see what your environmental mitigation requirements are and agreed upon and the plan before we issue the permit. We have a case right now where they gave us a permit contingent upon. That one is still in litigation and we might have to go back and revisit that one. But to answer your questions, Jimmy DeLoach Parkway, they made us come up with the mitigation plan before they would issue the 404 permit. Commissioner McMasters said, okay. And isn't it true that mitigation credits can either be purchased at a bank or self-produced through ingenious ideas like yours? County Engineer Bungard said, you can go out and acquire property –, allow me to answer –, go out and acquire property and develop that site for specific mitigation credits depending on the kind of credits you need, whether they're freshwater, tidal or whatever. Commissioner McMasters said, so the answer really is that there are two, generally speaking, because I'm a layman here. County Engineer Bungard said, yes. Commissioner McMasters said, okay, there's two ways to do it. County Engineer Bungard said, right. Commissioner McMasters said, okay. So we always have the option of going out and acquiring these. County Engineer Bungard said, yes. Commissioner McMasters said, yes.

Commissioner McMasters asked, you can confirm then that the Army Corps of Engineers produced a comprehensive study for Chatham County called the Wetlands Mitigation Site Selection Study? County Engineer Bungard said, they did. Commissioner McMasters said, okay. Was this completed in and around 1998 or 1999? County Engineer Bungard said, it was. Commissioner McMasters said, okay. Wasn't this work actually in fact subcontracted to the firm Dial Cordy & Associates? County Engineer Bungard said, part of it was yesterday. Commissioner McMasters asked, how much have you paid Dial Cordy for this and the Army Corps? County Engineer Bungard said, \$35,000. Commissioner McMasters asked, how much have we spent thus far examining this one site? County Engineer Bungard said, this particular site, I do not know that number offhand. Commissioner McMasters said, the sustainable forest site that's had multiple studies –. County Engineer Bungard said, that was under contract with Thomas and Hutton as part of their contract. I do not know how much they have paid to date to Newkirk Environmental to do this part of it. Commissioner McMasters asked, approximately how much tax money we've spent? County Engineer Bungard said, I don't know. Commissioner McMasters said, okay. County Engineer Bungard said, but it's a part of that estimate of those costs that is included there. Commissioner McMasters said, okay. Mr. Bungard, the Army Corps identified in that 1988 –, '98, '99 study, 30 sites for wetland mitigation in Chatham County. County Engineer Bungard said, well, they're numbered 1 through 30, but I think you'll find there's no number 26, so it's about 29 geographically or –. Commissioner McMasters asked, is this the map showing –? County Engineer Bungard said, it is. Commissioner McMasters said, – all the various sites throughout the County that we can do this with. County Engineer Bungard said, right. Commissioner McMasters said, okay. Was the sustainable forest, also known as the [inaudible], part of what was identified by the Army Corps of Engineers in their initial –? County Engineer Bungard said, no, I think they actually identified a little area to the west of that, which was some property name I don't recognize today, but I don't think this particular tract was considered. Commissioner McMasters said, well, I submit to you that number 18 in the Army Corps of Engineers study is exactly the parameters of the Litchfield Tract. County Engineer Bungard asked, number 18? Commissioner McMasters said, uh huh. County Engineer Bungard said, it says Union Camp, but number 18 is –, actually that –, no, it's not. Actually this is –, if you take a look, number 18 is on the west side of 95. A portion of it is, yes. Commissioner McMasters said, that's what –. County Engineer Bungard said, a portion is. Commissioner McMasters said, – and granted the Army Corps said that –, they weren't going by PIN numbers when they identified these three or four years ago. County Engineer Bungard said, right. Commissioner McMasters said, they were just flying over and using aerial photography to identify wetland mitigation sites. County Engineer Bungard said, right. Commissioner McMasters said, and this 18 encompassed part –, a part of it. Well, let me phrase it this way. 18, although larger than the Litchfield Tract, encompassed all of the Litchfield Tract. County Engineer Bungard said, no, it did not. That's what I'm trying to explain to you. If you look at that eastern line, the part we're looking at, more of it actually goes from there all the way over to –, you can't read it, it says Basin Road. There's actually less of that tract. Part of it is. Maybe –. Commissioner McMasters said, okay. County Engineer Bungard said, – a third or something like that. Commissioner McMasters said, okay. You want to call it part of, most of, most of. It's certainly right within what they identified. Can you tell –, I think you already mentioned that what happened next with the Army Corps is they did a –, they did a very comprehensive analysis of all the sites. County Engineer Bungard said, I wouldn't characterize it as comprehensive. Commissioner McMasters said, well, I won't call it comprehensive, but they have an evaluation criteria –. County Engineer Bungard said, yes. Commissioner McMasters said, – here, but if you want to go through it, I'll tell you what it's composed of. County Engineer Bungard said, all right. Commissioner McMasters said, it composed –, this is methodology slight –, site selection criteria and size, soils, hydrology, contiguous with existing wetland systems, location, ecological sensitivity. Those were all factors of their next mode of the review process. County Engineer Bungard said, right. Commissioner McMasters said, okay.

Commissioner McMasters asked, do you know if Site 18, which contains some of or part of the Litchfield Tract, was deleted by the Army Corps of Engineers? County Engineer Bungard said, yes, it was because the area they looked at, and some was done by aerial photography and windshield surveys, was deleted because there was mostly preservation, again pointing out it was an area mostly to the west of the area we're looking at now. But, yes. Commissioner McMasters said, okay. Can you tell us from that Army Corps/Dial Cordy review which sites the Army Corps of Engineers identified as the best sites and the recommended sites? County Engineer Bungard said, I haven't memorized all the core sites, but I do remember that the Fish and Wildlife Service, by way of example, selected Site 14, which happens to be the site we're in litigation with with that property owner. Commissioner McMasters said, okay. Well, you're right, they –, 14 was one of the top six sites. Having ruled out Site 18, the majority or part of or some of the Litchfield Tract, they identified Sites 22, 8, 20, 16, 14 and 1. Did we do any further study on those sites? County Engineer Bungard said, yes. Commissioner McMasters asked, we did? County Engineer Bungard said, in fact,

remember I mentioned some of these, after we did a cursory review, I was frankly a little disappointed and sort of put on the shelf, but we approached that first property owner, who owned that number Site 14 and a few others, and [inaudible] sale. We approached International Paper. They owned about 9 or 10. They said, none for sale. We approached a property owner across the way from 17, sat down with him, went through, tried to work it out, he said, "Not for sale." And during that process and that meeting, and even before that, our consultant had re-looked every one of these sites. This is Newkirk Environmental. We looked every site that the Corps of Engineers study handled. And while in that meeting, they said, "Well, we have some more recent information about that entire tract. May we take a look at it?" I said, "By all means, but keep me posted and let's see how far we'll go down this road." And that's how we got here. We went to IP and said, "Will you consider selling this tract? Will you give us a right-of-entry to go take a look at it and see if there's potential." They said, "Yes." And so I pursued that. Commissioner McMasters said, okay. Tell me -, hasn't -, haven't we taken a lot of wetlands? Condemned them and taken them? County Engineer Bungard said, not in the last few years. Commissioner McMasters asked, no? County Engineer Bungard said, we cannot condemn. That is the issue on this one other tract. You cannot -, as the Commission you can't use the power of eminent domain to condemn for wetlands. Commissioner McMasters said, okay. Well, tell me a little bit about the deal that we're trying to work out with the Morgan family for their wetlands where we offered them \$600 an acre for their certifiable wetlands. County Engineer Bungard said, I don't think I can discuss that. That's in litigation. It's being handled by the GDOT attorney. Commissioner McMasters said, well -. County Engineer Bungard said, but, in general, I will tell you that -. Commissioner McMasters asked, did we or did we not offer them \$600 an acre for their wetlands?

Chairman Hair said, Commissioner McMasters, I think Mr. Bungard has said that -. County Engineer Bungard said, I don't think I need to be discussing this, sir. Chairman Hair said, I don't think you should ask him to answer a question he just told you it's in litigation and we don't need to be discussing it in open session. Commissioner McMasters said, okay. Chairman Hair said, I think it's inappropriate to -.

Commissioner McMasters asked, Mr. Hart, is that -? County Attorney Hart said, Commissioner Murray handed me a lawsuit this morning that we got from that property owner, which we're going to be going to Federal Court in the next couple of weeks. One of the allegations in that complaint is that the County has refused to condemn their property, and, I mean, it's about a litigation oriented as we get. Commissioner McMasters said, okay. Withdrawn.

Commissioner McMasters said, okay, so Dial Cordy completed this study, found a bunch of really good sites, ruled out a bunch of sites. Can you tell us, or let me ask you, we came back to that site, didn't we? The sustainable forest site? County Engineer Bungard said, yes. Commissioner McMasters said, okay. And who contacted Newkirk Environmental in 2001 to request the analysis of the site that was rejected by the Army Corps of Engineers? County Engineer Bungard said, Newkirk was under contract to Thomas and Hutton, who was our consultant under contract for doing environmental permitting and getting a 404 permit for the Hardin Canal project and all the other projects that are listed. To keep it simple I said rather than going out to all the consultants, what are the total requirements just to get this ball started, what do we know about the 9 projects you are doing, under one consultant to bring it under one umbrella. Commissioner McMasters said, well, so is it the answer that Hutton and Associates asked Newkirk to go back and look at this site that was ruled out? Commissioner McMasters said, as I said a few minutes ago, we were in a meeting with an adjacent property owner at one of the sites that was recommended, and they offered, "We have some more recent information from the Corps of Engineers study that might make -, we'd like to, you know, suggest it -." Commissioner McMasters said, reconsider. So you have information from the Army Corps that says let's go back to Site 18? County Engineer Bungard said, no, no. You don't understand. I mean, this survey was done without a bunch of hands-on wetlands delineation. They took general areas that said, okay, based on vegetation, based on our general understanding of the area, these may be good candidates, but before you can determine whether or not they have mitigation potential, you must get right-of-entry, you must do wetlands delineation, you must assess what kinds of vegetation and what kinds of soil types and go through a detailed analysis. That's why I gave you a copy -, an example of that worksheet they go through. It is an involved process. I cannot explain the details. I'd be glad to have Newkirk do that. Commissioner McMasters said, I appreciate all the detail you supplied me, particularly all the mitigation worksheets and computations and as well as the Army Corps' work, which quite frankly I'm trying to figure out here how we shifted back to a site that was ruled out by the Army Corps originally.

Commissioner McMasters asked, what -, how do you characterize NEI's -, Newkirk's evaluation that they sent you on the Litchfield Tract? That is, Site 18 on the Army Corps' -. It seems that was a pretty glowing review about its qualities, didn't they? County Engineer Bungard said, yeah. That's why I wanted to pursue it. Commissioner McMasters said, but Dial Cordy didn't have the same glowing reviews of it. County Engineer Bungard said, Dial Cordy did not do a wetlands delineation on that part. Commissioner McMasters said, no, but we just went through the criteria. They did hydraulics, they did ecosystems, they did their own U. S. Fish and Wildlife, Army Corps of Engineers, they [inaudible] the sites and ruled it out, and we went -, or Thomas and Hutton got Newkirk -, if I understand this correctly -, got Newkirk to go back and look at it and we came back -. I want to know what changed on the site between the Dial Cordy/Army Corps of Engineers analysis and recommendations, what was not recommended, to a Thomas and Hutton/Newkirk stamp of approval. County Engineer Bungard said, they did not make specific recommendations. They were general areas. What's different, as I tried -, I don't think you're hearing what I'm saying -, is that the information changed. We had better, more current information since 1999. We're now sitting in the year 2001, early 2002, saying I have better information on this tract that the Corps did not have and did not consider at that time. That's what changed. Commissioner McMasters said, let me ask you this. When you met with -, when you met with Newkirk on the 29th of November, 2001, to initiate this, did you tell them that the Army Corps of Engineers had already dismissed Site 18 and that they actually recommended 22, 8, 20, 16 and 14? County Engineer Bungard said, I had already given them a copy of the entire study to go back and they reviewed every one of the 29 sites -, not sites, but

general areas –, and in turn came back and said, “We think, based on looking at that criteria, we need to revisit this area because it is the best chance we have to meet the mitigation requirements for Hardin Canal. The answer is yes. Commissioner McMasters said, okay. You prepared the agenda item for the meeting that I wasn’t able to attend on December 6th, and in paragraph four under Facts and Findings, you say this acquisition will conservatively save \$350,000 and will provide opportunities to leverage additional savings and benefits. That was December 6th, correct? County Engineer Bungard said, correct. Commissioner McMasters said, okay. Twelve days later in your December 18th memo, how much do you now estimate the savings to be? County Engineer Bungard said, okay, I based that number –, and the operative word is conservatively. Remember, the benchmark is anything better than \$2,800 a credit is going to be a better deal than going to a bank at that time. So I put in a very safe comfortable figure based on \$2,800 a credit that would it come to. I didn’t think it would be an issue or controversy. So after I wrote this, I called up Newkirk and I said, “Go back and check for me, get the latest information you have about the availability and price of credits in those banks outside the County –.”

Commissioner Kicklighter said, excuse me, if I may. We’re getting redundant now. This is not new information. He shared this in the beginning of his presentation, this answer. I think it would be good if we want to hear near info –. Chairman Hair said, we heard all this on December 6th. You weren’t here, and that’s no fault of yours. You were in school I understand, but I just want to know how long this trial might last? I mean –. Commissioner McMasters said, it’s an inquiry. Trials have judges. Chairman Hair said, okay. Well, this one has judges too because we’re going to vote on it shortly. Commissioner McMasters said, okay, well, I think I’ve got about five minutes, ten minutes more. Chairman Hair said, that’s good. No problem. Ten minutes is fine.

Commissioner McMasters said, okay. Anyway the answer is in 12 days you readjusted your conservative estimate from \$350,000 to \$758,000. County Engineer Bungard said, that savings reflected the savings I thought we’d get based on the information that we had at the point we went upon this decision-making process. Commissioner McMasters said, okay. County Engineer Bungard said, okay. I was a comfortable easy estimate, but since that time I have been informed that, for instance, these credits are only available at two banks, the price at one bank went from \$2,800 a credit to \$4,000 a credit, and, oh, by the way, we’ve been selling our credits since you last asked the question and now we only have 150 left in one and 100 in the other. Commissioner McMasters said, okay, but the point is that the cost of credits in 12 days did not jump from \$2,800 to \$5,000 in 12 days. County Engineer Bungard said, I told you, I went in with the information I had, you know, a long time ago. Commissioner McMasters said, okay. What –, do you understand that this particular tract sits in tax neighborhood 4020.25 as identified by the Tax Assessor’s office? County Engineer Bungard said, no, because I didn’t check the Tax Assessor information. It’s not part of my decision-making process. Commissioner McMasters said, okay. Just as a small aside, in working with the Tax Assessor’s office they have a great struggle, Mr. Bungard, with placing value on a property. I think you’d agree with that. County Engineer Bungard said, I’m not going to address –. Commissioner McMasters said, well, you don’t use their numbers for some reason. Right? County Engineer Bungard said, because it’s generally less than ours. Commissioner McMasters said, I did not get to how much less and I know what –, that that’s an issue, but they have a tough time getting access to these properties because they’re gated and fenced and way out in the middle of the rural part of the County, and here you’ve got an Army Corps of Engineers, since 1998, aerial work and analysis that, quite frankly, the Board of Assessors yesterday said, “We would have loved to have had the benefit of this information to help us better value the properties that we can’t get to.” So, just as an aside, I think for efficiency if we could share this sort of information that you develop in the scope of your work with the Assessor’s office, they would greatly appreciate it. That’s a small aside. County Engineer Bungard said, again, this information was not parcel specific. Commissioner McMasters said, no, but it was area specific and they’re happy to go ahead and do the parcel specific because that’s their job. Parcel specific evaluation. So while for your –. County Engineer Bungard said, it’s not parcel specific.

Commissioner Rivers said, all we’ve got to do is ask or request them to correlate that. Commissioner McMasters said, okay, that correlate. Commissioner Rivers said, and that kills that. Commissioner McMasters said, just try to correlate it. Chairman Hair said, thank you, Joe [Rivers].

Commissioner McMasters said, the point of this is how much is the current value of this tract? Do you know, according to the Tax Assessor’s office? County Engineer Bungard said, well, I went and got a –, had my staff do a printout and I believe it shown down as –, you say value or the tax assessed value, and I won’t pretend I can explain. Commissioner McMasters said, the fair market –, what the Board of Assessors describes as the fair market value. County Engineer Bungard said, I think it was 840-some thousand dollars. Commissioner McMasters said, it’s \$201,490. County Engineer Bungard said, my understanding is that’s the value that was placed on it by the Board of Equalization and that the appraised value was actually \$843 [sic] and change. Commissioner McMasters said, Mr. Bungard, that was the value that’s been on the property for over a decade. County Engineer Bungard said, you’re asking the wrong guy about why that’s on there and how that got there. Commissioner McMasters said, okay. Well, you are correct in that next year, in a mere week or so, this property will be valued at \$843,500. Now, do you know how many acres are actually in this tract? County Engineer Bungard said, I don’t think their acreage lines up with the acreage that we’re talking about acquiring. Commissioner McMasters said, no, because you’ve gone and had Thomas and Hutton and everybody do a special plat for the area that we want. Right? County Engineer Bungard said, yes, and carved out a piece that IP did not want to sell and we had to carve out some pieces for the –. Commissioner McMasters said, IP wants some of the high ground and they might build homes or who knows what on it. Right? County Engineer Bungard said, yes, sir. Commissioner McMasters said, and we’re going to have certifiable wetlands all around it. County Engineer Bungard said, this –, we require that in our buffer plan we’re going to put in the max amount of buffer, 100 feet wide, that we can get credit for. We get actual mitigation credits up to 100 feet and that’s in the plan. Commissioner McMasters said, it works pretty good for us and works pretty good for them. County Engineer Bungard said, I don’t know how it works for them. Commissioner McMasters said, the –, pardon me? County

Engineer Bungard said, I don't know how it works for them, but it's working for us. Commissioner McMasters said, well, I submit to you that if we create wetlands and marshlands all around some high ground they build homes on, that's a protected view and quite a nice facet. County Engineer Bungard said, it's [inaudible]. Commissioner McMasters said, that's fine. So we've got 615 acres that unfortunately have been undervalued for a decade and it's now going to go to \$843,500. I wish we had the time to address what the Board of Assessors, some of the historic problems with this property, but I'll forego that because I can tell y'all are curious about lunch or what not. The thing that I would like to suggest here is we're buying low lands and uplands and the average acre out there since the Thomas and Hutton analysis is much more precise than the Board of Assessors, since they had access to the property and the Board of Assessors' appraisers didn't, they all discovered that it's about 50 foot highlands to lowlands approximately. The average acre out there then is \$1,470 per acre. If we take the 494 acres times that average, I think this deal for taxpayer utility and acceptability out to be somewhere around \$677,000 to \$700,000. Not the \$950,000 that we've put on it. Can you tell us about the two billboards and the cell tower site? Do you have any idea how much revenue --? By the way, those are going to remain with IP, right? County Engineer Bungard said, no, they remain with the owners of the billboards and the owner of the tower site, not with IP. Not true? Okay, Billy [Gordon], explain the details of that one.

Mr. Billy Gordon said, IP leases those sites. They own the underlying ground. Commissioner McMasters asked, so they'll retain the revenue, Billy? Mr. Gordon said, yes. Commissioner McMasters said, okay. And do we know what the cost per month, the revenue on those? Mr. Gordon said, no, sir. Commissioner McMasters said, I've been in the business a little bit and I can tell you that it's probably, between the two billboard sites, about \$6,000 a month, and the cell site I don't know, but the point is if we're going to pay 900 --, \$1,950 an acre and we're going to give them all the revenue associated with it, could we not have done a better deal here, guys? County Engineer Bungard said, also that value does not include the value of the --, for instance, the Tax Assessor's value. When you go into detail, it does not include the timber or the value of the [inaudible]. Commissioner McMasters said, well, they're in the timber business. I say let them keep the timber, they're in the timber business. Mr. Gordon said, but the Tax Assessor cannot value the timber --. Commissioner McMasters said, until it's cut. Mr. Gordon said, right. Commissioner McMasters said, I understand that. Mr. Gordon said, so that 843 does not include the value of the timber. We had a timber [inaudible] done as part of the appraisal process and it indicated a timber value on the portion that we're buying of \$320,435 I believe it was.

Commissioner McMasters said, okay. Listen, to wrap this up, I understand the need for these credits. I appreciate the ingenuity. I'm a little perplexed at the fact that this deal was only offered to International Paper and the value, being what it is, I'd like to make a motion that this deal be --, that we re-offer on this particular piece of property and I'll even give you up to your lowest appraisal, which your own appraisers came in at. What was that? \$800,000? Mr. Gordon said, 845. Commissioner McMasters said, 845 and we keep the timber.

Chairman Pro Tem Murray asked, do we have a second on the motion? Commissioner Rayno said, I'll second it. Chairman Pro Tem Murray said, there's a second. I've got a question and my question is about the cell tower and the billboards. Did you say that International Paper would keep ownership of the land under that in this deal? Mr. Gordon said, yes, sir. Chairman Pro Tem Murray said, that's right in the middle of all the wetlands that we're buying. Mr. Gordon said, no, sir. They're located on the high ground. As part of the agreement, they will retain an easement right to access those billboards and cell tower site. That's in the agreement, in the sales contract. We will --, the County will have the right to relocate those access ways if necessary to accommodate its mitigation plan, but reasonable and adequate access will be provided to those sites. The County had no need for those sites.

County Attorney Hart said, it's very important for the County to understand that we're buying mitigation land and that the County does not need nor have a public interest or right to take billboards and cell tower sites from people on a road project funded through SPLOST funds because they're not anything to do with building a road.

Commissioner McMasters said, Jon [Hart], my only point was that the revenue that when this deal is done, there's going to be a ton of revenue on top of a high valuation.

Chairman Hair said, we have a motion and a second to deny and --. Commissioner Rivers said, no, no, no. Commissioner Murray said, no, that's another motion. Chairman Hair said, what was your motion. Commissioner McMasters asked, you want to read the motion. Chairman Hair said, read the motion. The Clerk said, the motion was that this deal will be --, and I didn't get all of the wording, I'm sorry --, and that we --, oh, be --. Chairman Hair said, just restate your motion so she'll get the motion right. The Clerk said, I'll get it off the tape. Commissioner Rivers said, point of order. Do we take it off the tape? The Clerk said, yes, we do. Chairman Hair said, it's actually a reconsideration. It would require that anyway.

Commissioner McMasters said, my motion was that at a minimum we accept --, we offer International Paper the low estimate that our appraisers generated at, I believe, \$845,000 instead of \$950,000, and we keep the timber.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, it's my understanding, and I don't know how much of this should be discussed in the open, but I will tell you this. If this counterproposal is passed, there's all likelihood that this deal will go down.

Chairman Hair said, okay, we have a motion and a second. All those in favor of this motion --.

Commissioner Odell said, I'm unready and the reason I'm unready is that --, my concern is we're buying property to put into a bank. There will be property that's high ground that will not be used in the bank and will be used for a subdivision. My concern is --. No, sir? That's not --, that will not be in the bank, that will have a nice wetlands view. That's not the potential? Mr. Gordon said, no, sir, not at all. Carve out --, it was carved out of the high grounds that Commissioner McMasters spoke about, is on the northern boundary. It's adjoining --, adjoins a piece of commercial property that's currently being marketed right now. IP hopes to sell to them to make more money off of it. We didn't need that land. We didn't need the extra price. The highlands that we're buying are sandwiched between the wetlands. There will be no development. They will offer recreational opportunities plus over 300,000 yards of good borrow material to do the road from, but there will be no development.

Commissioner McMasters asked, may I make a suggestion? Why don't you have it drawn on the map for you? It's --, it's like it's got a lot of potential.

Commissioner Murray said, let's go into Executive Session and get this --, because there's some discussion, I think, that --. Commissioner Odell said, yeah, there really is.

Commissioner Rivers said, I move we go into Executive Session. Chairman Hair said, all right, let's first --, we need to withdraw the motion because we've got a motion on the floor. Commissioner Rivers said, well, it's --. Chairman Hair said, I need a motion to go into Executive Session. Commissioner Rivers said, so moved. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, All those in favor vote yes, opposed vote no. County Manager Abolt said, to discuss land acquisition. County Attorney Hart said, for the purpose of discussing land acquisition. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.]

* * *

The meeting of the County Commission was recess at 11:58 a.m., to go into Executive Session for the purpose of discussing land acquisition.

The meeting of the County Commission was reconvened at 12:31 p.m.

* * *

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

Commissioner McMasters said, in light of our very valuable and worthwhile discussions that were productive, we --, I'm going to withdraw my motion with an explanation from the Chairman. Chairman Hair said, and I'll ask for the second to withdraw? Commissioner Rayno said, yes. Chairman Hair said, thank you very much.

Chairman Hair said, we will continue --, first, under the statute no votes were taken in Executive Session. We will continue our negotiations with International Paper and from the County's side the negotiations will be conducted by Mr. Hart and Dr. Thomas, the Vice Chairman of the Commission. They will be our negotiating team.

ACTION OF THE BOARD:

The Board agreed that negotiations will continue with International Paper and the negotiating team on behalf of the County will be County Attorney Hart and Dr. Priscilla Thomas, Vice Chairman of the Commission.

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4. AT MEETING OF DECEMBER 6, 2002, COMMISSIONER RAYNO REQUESTED RECONSIDERATION OF THIS ITEM.

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
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, Mr. Chairman. Before I start I wanted to ask our attorney a question concerning our service provider agreement. If you could define for me, just so I'll have an understanding, I don't --, I'm not really clear, the interest of public officials where it says no member, officer or employee of Chatham County, Georgia, during this tenure shall have any interest, direct or indirect, in this contract or the proceeds thereof. Let's say, for instance, and this is not creating any kind of controversy. I'm just asking so I can understand. If a Commissioner, say, got donations for a campaign, would that be considered an interest with anybody we're doing a contract with? County Attorney Hart said, I'd have to do some research and give you an opinion on that, and the reason I say that is in the last term of the Legislature, not so much in the scenario you set forth, but they passed some legislation that dealt especially in the area of zoning that if you had received campaign contributions or you had received some type of

financial interest, that had to be disclosed, and I don't remember whether that's a duty on the party appearing before the Commission to disclose that or whether that automatically was a recusal or it was one of the factors to be taken into consideration. I'll be glad to look at that though.

Commissioner Rayno said, based on the fact that the attorney has to look at this, could we table this to another meeting? Chairman Hair said, make a motion to table. Commissioner Rayno said, I make a motion to table please. Chairman Hair asked, second? Commissioner Rivers said, second. Chairman Hair said, all those in favor of table vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.] Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

Commissioner Rayno moved to table this item to allow the County Attorney time to perform some research. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell 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 BUDGET AMENDMENT TO RECOGNIZE \$31,870 IN STATE FUNDING FOR SALARY REIMBURSEMENT, A TRANSFER OF \$10,000 WITHIN THE JUVENILE COURT BUDGET FOR A SECOND JUDGE, AND AN AMENDMENT TO THE MULTIPLE GRANT FUND BUDGET IN THE AMOUNT OF \$87,690 FOR A DUI COURT GRANT.**

Chairman Hair said, I'll entertain a motion to approve. Commissioner Rivers said, so moved. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, All those in favor vote yes, opposed vote no. [NOTE: Commissioners McMasters and Odell were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the following: A General Fund M&O budget amendment to recognize \$31,870 in State funding for salary reimbursement, a transfer of \$10,000 within the Juvenile Court budget for a second judge, and an amendment to the Multiple Grant Fund budget in the amount of \$87,690 for a DUI Court Grant. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell 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, would anybody like to pull anything off the Action Calendar? Commissioner Rayno said, 9-E please. Chairman Hair asked, 9E? Commissioner Rayno said, yes, sir. Thank you. Chairman Hair asked, anything else?

Commissioner Kicklighter said, I make a motion to approve the balance of the calendar. Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved that the Action Calendar be approved in its entirety with the exception of Item 9-E. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell 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 DECEMBER 6, 2002, AS MAILED.**

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the minutes of the regular meeting on December 6, 2002, as mailed. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.]

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- 2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD NOVEMBER 27 THROUGH DECEMBER 10, 2002.**

ACTION OF THE BOARD:

Commissioner Kicklighter moved that the Finance Director is authorized to pay claims for the period November 27, 2002, through December 10, 2002, in the amount of \$3,206,824. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.]

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- 3. REQUEST BOARD APPROVE THE DRAINAGE AGREEMENT AND GRANT OF NON-EXCLUSIVE EASEMENT BETWEEN THE GEORGIA PORTS AUTHORITY AND CHATHAM COUNTY FOR THE PURPOSE OF IMPROVING THE STORM WATER DRAINAGE SYSTEM IN THE PIPEMAKERS CANAL DRAINAGE BASIN.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the drainage agreement and grant of non-exclusive easement between the Georgia Ports Authority and Chatham County for the purpose of improving the stormwater drainage system in the Pipemakers Canal Drainage Basin. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.]

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- 4. REQUEST FROM HENDERSON PHASE III LLC, DEVELOPER, TO ACCEPT A REVISED LETTER OF CREDIT WHICH WILL REPLACE THE LETTER OF CREDIT CURRENTLY HELD AS FINANCIAL GUARANTEE FOR HENDERSON, PHASE 3B.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the request from Henderson Phase III LLC, Developer, to accept a revised letter of credit which will replace the letter of credit currently held as financial guarantee for Henderson, Phase 3B. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.]

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- 5. REQUEST FROM THE ENGINEER FOR THE DEVELOPER, HENRY NANNINGA, TO RELEASE THE LETTER OF CREDIT FOR BRADLEY PINES SUBDIVISION.
[DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve the request from the engineer for the developer, Henry Nanninga, to release the letter of credit for Bradley Pines Subdivision. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.]

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- 6. REQUEST BOARD AUTHORIZE THE CHAIRMAN TO EXECUTE A LOCAL GOVERNMENT PROJECT AGREEMENT WITH GDOT FOR THE COUNTY TO PROVIDE ANNUAL INSPECTION, MAINTENANCE AND AN ANNUAL REPORT SUMMARIZING THE INSPECTION AND REPAIRS THAT HAVE BEEN MADE TO BICYCLE SIGNAGE ON TWO SHORT SECTIONS OF COUNTY ROADS THAT HAVE BEEN DESIGNATED AS PART OF A BICYCLE ROUTE IN CHATHAM COUNTY.
[DISTRICT 8.]**

ACTION OF THE BOARD:

Commissioner Kicklighter moved to authorize the Chairman to execute a Local Government Project Agreement with Georgia Department of Transportation (GDOT) for the County to provide annual inspection, maintenance and an annual report summarizing the inspection and repairs that have been made to bicycle signage on two short sections of County roads that have been designated as part of a bicycle route in Chatham County. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.]

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- 7. REQUEST BOARD APPROVE AN AGREEMENT WITH THE IP REALTY CORPORATION TO REIMBURSE THE LOCAL MATCHING FUNDS TO THE COUNTY FOR CONSTRUCTION OF SPUR 21, PHASE 2; AND AUTHORIZE THE CHAIRMAN, COUNTY ATTORNEY, COUNTY ENGINEER AND COUNTY CLERK TO SIGN THE FORMS NECESSARY TO IMPLEMENT THE AGREEMENT.
[DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Kicklighter moved to approve an agreement with the IP Realty Corporation to reimburse the local matching funds to the County for construction of Spur 21, Phase 2, and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the agreement. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.]

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- 8. REQUEST BOARD TENTATIVELY SET MEETING DATES FOR 2003.**

ACTION OF THE BOARD:

Commissioner Kicklighter moved to tentatively set meeting dates for 2003 as follows: Set meeting times for 9:00 a.m., and set dates for the second and fourth Fridays in January through October and on the first and third Fridays in November and December. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.]

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- 9. 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. Contract termination for the physical fitness club and exercise center at the Aquatic Center	Aquatic Center	LifeTime Fitness, Inc.	N/A	N/A
B. Month to month contract extension for concessions for the Tybee Pier and Pavilion	Parks and Recreation	Riptide Concessions	\$1,000 month revenue to County	Revenue Producing
C. Change Order No. 4 to the annual contract for janitorial services to increase scope of service	Mosquito Control	Quality Cleaning Contractors (FBE)	\$625 month	General Fund/M&O - Mosquito Control
D. Deductive Change Order No. 2 to the contract for the construction for the Technology and Engineering Campus Road at Crossroads Business Center project due to plan revisions	Engineering	Triangle Construction Company, Inc.	(\$3,806.40)	•GDOT •SEDA •City of Savannah (100% reimbursable)
E. Conversion of the air tractor radial engine to a new turbine engine	Mosquito Control	Southeastern Aircraft Sales & Service	\$274,397.87 Award only if funds determined by Friday.	•General Fund/M&O - Mosquito Control (\$65,000) •Reserve for Catastrophic Claims (\$209,397.87)
F. Amendment 1 to engineering services contract for Parcel 7 on Hutchinson Island	Property	Thomas & Hutton Engineering	\$40,000	Property Account

As to Items 9-A through 9-F, except Item 9-E:

Commissioner Kicklighter moved to approve Items 9-A through 9-F, except Item 9-E. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.]

As to Item 9-E:

Conversion of the air tractor radial engine to a new turbine engine; Mosquito Control; Southeastern Aircraft Sales & Service; \$274,397.87; General Fund/M&O - Mosquito Control (\$65,000), Reserve for Catastrophic Claims (\$209,397.87).

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you, Mr. Hair. We have conceptually moved forward on this. Are the -, is the funding available? County Manager Abolt said, yes. I did send you a memo the other day acknowledging -. Chairman Hair said, yes, that was in our packet. Commissioner Rayno said, okay. I missed it, I'm sorry.

Chairman Hair asked, is there a motion to approve? Commissioner Rivers said, so moved. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Rivers, Murray, 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 McMasters and Odell were not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

1. Commissioner Kicklighter moved to approve Items 9-A through 9-F, except Item 9-E. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners McMasters and Odell were not present.]
2. Commissioner Rayno moved to approve Item 9-E. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Murray, 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 McMasters and Odell 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. THE PETITIONER, ROBERT LEE, (DOMINY HOLDINGS, INC; E B MILES PROPERTIES LLP & THE WATERLAND CO.; AND LEE AND BRADLEY ROBERT W AND MARTIN J. JR., OWNERS; JOHN KERN, KERN-COLEMAN & CO., AGENT) IS REQUESTING REZONING 81.07 ACRES OF PROPERTY LOCATED SOUTH OF US HIGHWAY 17 SOUTH AND CANE BREAK ROAD FROM AN R-A (RESIDENTIAL-AGRICULTURE) CLASSIFICATION TO A PUD-M-8 (PLANNED UNIT DEVELOPMENT, MULTIFAMILY) CLASSIFICATION TO ALLOW SINGLE-FAMILY DETACHED AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT AND APPROVAL OF A MASTER PLAN. THE MPC RECOMMENDED APPROVAL.
MPC FILE NO. Z-011102-51611-1
[DISTRICT 6.]**

ACTION OF THE BOARD:

Chairman Hair read this item into the record as the first reading.

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- 2. THE PETITIONER, RICHARD SHIRAH, AGENT FOR POWERTEL, INC. (FOR GUMER AND ASSOCIATES, INC., OWNER) IS REQUESTING REZONING PROPERTY LOCATED ON THE NORTH SIDE OF CHEVIS ROAD, EAST OF WILD HERON DRIVE FROM AN R-A (RESIDENTIAL-AGRICULTURE) CLASSIFICATION TO AN R-A-W-T (RESIDENTIAL AGRICULTURE-WIRELESS TELECOMMUNICATIONS OVERLAY) CLASSIFICATION IN ORDER TO CONSTRUCT A TELECOMMUNICATIONS TOWER ON 6,400 SQUARE FEET (0.147 ACRES) OF LAND. THE MPC RECOMMENDED APPROVAL.
MPC FILE NO. Z-020925-37060-1
[DISTRICT 6.]**

ACTION OF THE BOARD:

Chairman Hair 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. At meeting of November 22, 2002, second reading was tabled to December 20, 2002.**

Chairman Hair said, we first need a motion to take this off the table if anybody wants to take it off the table. Otherwise, it stays on the table.

Commissioner Murray said, I'd like to take it off the table just for some discussion. Chairman Hair said, all right, motion to take it off the table. Is there a second? Commissioner Rayno said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present.]

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, we've been assured by MPC that all this is going to be up for us to approve in February. Is it necessary to keep this on the books and keep going through with it? I mean, if y'all want to do that, fine. If not, we can go ahead and remove it and just vote it down.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, well, you know –. Chairman Hair said, we can always bring it back at a later time. Commissioner McMasters said, well, you know, the –, Mr. Nutting is here. He's heading up that, and there has been a meeting of the land use planning group and there was some concern about the impacts to the MPC staff through the reduction of funding. I think the County Attorney issued an opinion on solid waste that has flowed down to the MPC level and will cost them one of their land planners and the domino effect of this is I have some questions about whether or not this will affect all the work that has to happen.

Chairman Hair asked, what would like to see done? I mean, it's off the table now. Commissioner Murray asked, well, while we've got it off the table can we call –, MPC's sitting out there, Milton [Newton] and the rest of them, and I'd like to know exactly when it will be to us, and I'd also like to know –. Well, that's a separate question. I'll ask the County Attorney that. Chairman Hair recognized Mr. Newton.

Mr. Milton Newton said, yes, sir. The schedule that we had provided to you I believe back in November, we are still on track with. We do anticipate having the Southeast Chatham Plan to you, advertised for your February 14th meeting, which is the date we had promised it. The advisory committee did have a meeting the other night. In fact, they worked until 10:30 at night trying to help staff finalize it. We will take it to the public on January 7th at a community open house at the Cresthill Baptist Church at 3:00 to 7:00 p.m., in open house format. We also have scheduled a public meeting at the Metropolitan Planning Commission planning session on January 14th, and then a formal submittal for the meeting of January 21st, and hopefully the Planning Commission can act then. If not, we'll build in a February 4th second meeting, if needed, and still be able to make the February 14th date. Chairman Hair said, so the original schedule is intact.

Commissioner Murray asked, there's no reason at all why this should waiver from that schedule at this point? Mr. Newton said, unless something unforeseen in the review process that staff cannot determine.

Chairman Hair said, I think Mr. Nutting wants to offer a contrary view.

Mr. Sid Nutting said, no, but I do want to raise a flag. By the way, I have copies of the last schedule, which is essentially the same. The public meeting will be one day earlier. The concern we have is we understand one of the staff is leaving and we're already short one, and each of these review steps where you go to the MPC and, as you all know, sometimes that takes more than one review, the MPC wants to change any parts of it and then there's a period of rework there, and of course you all don't pass everything the first time it comes to you either. So I just don't want you to get the feeling at this point that it's all going to be rosy, and what that means is as another two months goes by, things are happening all the time, and you have invested a lot of money in correcting –, getting a plan that will correct this, and then the time you delay it or it gets delayed, things happen and that would be the reason for the moratorium at this point.

Chairman Hair said, of course, I think we've been assured that it's not going to be delayed by Mr. Newton.

Mr. Nutting asked, well, can you guarantee you all will pass it on the first reading? Chairman Hair said, I can't guarantee –, we have to pass it on the second reading. No votes can be taken on the first reading. Mr. Nutting said, my point is the MPC and you both have to review it and there is the staff shortage that we would want to bring to your attention. It's your money, you're spending it, but it's the citizens' interest to get this done right.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I guess my point is we've got it on here and we can approve it today or we can keep it tabled and approve it at the next meeting or whatever –. Chairman Hair said, or deny it. Commissioner Murray said, – a 90-day moratorium. If in fact this stays on schedule and the land use plan, because that's why the moratorium was approached to begin with is to get the land use plan in place –. Mr. Nutting said, right. Commissioner Murray said, – if it stays on schedule and in February comes to us like it's supposed to, you know, we won't have another meeting until, what, the second week –, the 10th of January. Mr. Nutting said, right. Commissioner Murray said, if we implement a land use plan then –, I mean, the moratorium on the 10th or even our second meeting in January, what are we going to accomplish if it comes to us in February? That's my point. Mr. Nutting said, my answer to that was that there are things happening everyday. The MPC's getting applications every day, and they may or may not be in keeping with what you are trying to get done. Commissioner Murray said, all right, well, let's address the positions then, and I know that's a little off from what it is, but since it involves the MPC, and I'm not sure what all the criteria is, but I do know that on the environmental side of it there are only certain things that that money can be spent on. Now whether that person that is hired with MPC that you're talking about is no longer going to be there falls within that category or not, I don't know. The County Attorney will have to answer that question for me. County Attorney Hart said, I don't know about the particular personnel issue, but I can address the –. Commissioner Murray said, I do know that that money, just like the County when we collect it, we can't just go out and buy whatever we want to when spending it. It's got certain criteria we have to meet and it has to all relate back to that environmental part of it. Mr. Nutting said, well, I think the –, the one I'm talking about is a vacation –, is a position currently filled, one employee is –. Commissioner Murray said, but is it being filled along with environmental funds is my point because if it's not, that has nothing to do with the County.

Chairman Hair said, Mr. Newton would probably be the best to answer that. Mr. Nutting said, the one I'm talking about is already on the payroll, the position is on the payroll and she will be replaced if she leaves. Chairman Hair said, let's ask Mr. Newton. He's the one to –. Mr. Nutting said, but there will be a transition period.

Commissioner Murray said, it's mighty confusing right now and I'd like some clarification. Chairman Hair said, let's get Mr. Newton. I think he can clarify it.

Mr. Newton said, we basically have three full-time people that are working on the comp plan activities. In addition, there are a number of other staff members who work on various elements on the comp plan in the zoning area, but, say, are working on the zoning ordinance portion of the comp plan. They're in the socio-economic data area, but they're working on the socio-economic data for the comp plan, et cetera. We will --, we are losing a staff person that with the loss of the money is the result of the determination for the Solid Waste Fund that we had been using for the last several years for environmental planning, which is a portion of the comp plan. We will lose --, we cannot refill that position. I do need to set your minds at ease that we have basically concentrated our resources on completing the Southeast Chatham Plan so that it would not suffer; however, that has been at the expense of the overall comp plan and the zoning ordinance update, which are --, the Southeast Chatham is a portion of that, but a small portion of a larger --, a larger pie. We have historically used the monies that the County had appropriated from the Solid Waste Fund for the environmental portion of our comprehensive planning effort. At one time we had a special --, specialist environmentalist type position --, person filling that position. We have moved away from that now and we have people that have broader ranges of experience and background so that we are able to parcel out the environmental activities among several planners and use them on multiple tasks. So not having the funds replaced, and we understand the County's need to pay attention to the fact that they're restricted funds, but we had always received them and used them as Environmental Planning Funds, not just as Solid Waste Funds. We do understand the County's position that something would have to change there, but when we approached the County for the funding for the comprehensive plan, the total package, and the zoning ordinance update, we identified that we could do that job with our existing staff but it would take one additional position. So the County and the City both funded the special activities for the consultant and for the one additional position. Now the problem is that we have now lost funding for one of the base positions, so we're back to where we were at the time we approached you for the original funding saying that we could not do the task within the time schedule that we had talked about over those three years.

Commissioner Murray said, let me stop you just a minute. Jon [Hart], try to understand this. I know what he just said and, to me, money from the Solid Waste Fund certainly would be part of environmental, and if that's what they're using it for --. County Attorney Hart said, the Solid Waste Fund statute defines activities dealing with solid waste activities that are broad enough to encompass some environmental --, traditional environmental type activities, but certainly not all environmental activities. For example, environmental wetland planning has absolutely nothing to do with solid waste planning, and what has happened in the past and what has been done in the past is at one time the way the thing was set up over there is we had a single person handle all environmental problems, and part of the Solid Waste Fund went in to support that person's position because at that time they were providing fairly significant services in the solid waste area, but they were also providing a multitude of other environmental services. The problem we had with a single person there is those are pretty attractive people to be hired away from you, and every time we lost that person that was dedicated to that situation, then we sort of had a steam roll effect of affecting not just solid waste but 25 or 30 other things we were trying to do, so Mr. Newton reorganized his staff in a situation so that some of those activities where we had people that were experts in it could be spread out over a number of people, but the funding portion of that solid waste money has to stay within the Solid Waste Fund and we have to demonstrate to the State that the planning being used is a solid waste related activity, and certainly portions of that money I could justify legally going into that, but not to the extent that with the new organizational structure that we can do that now.

Commissioner Murray asked, how much money are we talking about? \$90,000, is that the figure? Mr. Newton said, I think it's 57 --. County Manager Abolt said, yeah. I think it's 56-something. The way he pointed --, let me bring history to this. Correspondence we've shared with you over the last many months, everything Jon [Hart] said was focused in on and which we find ourselves in the possibility of paying for services we're not receiving. When Mr. Drewry came to me he said, "We're not getting those services that the attorney referred to in years past," and the auditor is going to say, "That's not right." And many of you that have been on the Board for a while will remember the controversy over the \$1.50 tipping charge, and we had to make sure it was used for the correct purpose, and that was the issue we found ourselves in. So the going forward solution that Mr. Drewry came up with, that I agreed with, we will as a user of the planning services direct them for what services we want. It's not a question of acing it out, but to make sure that we'll stand the audit test, from now on we will ask Mr. Newton can you do this and it will be very specific. He'll have to do that. But again, as the attorney has said so well, what has happened, the money has come in over time and because as happens so many times with this, we start with a person that had a great deal of qualifications in one area and we develop the whole program around that person. You lose that person, the general function still aligns with, in this case, the MPC, but it gets diluted and it's gotten --. Commissioner Murray said, well, Russ [Abolt], that's all well and good, but, in other words, any time we need something, we're going to MPC to get the information. Is that right? County Manager Abolt said, when it comes to legitimate use of the \$1.50, we go to MPC. Commissioner Murray said, all right. Now, how are we going to pay for that? County Manager Abolt said, that would come out of that --. County Attorney Hart said, Solid Waste. County Manager Abolt said, that Solid Waste Fund, sir. Commissioner Murray asked, so MPC would in turn bill the County back after each one of the --. County Manager Abolt said, yes, sir. Commissioner Murray said, uses for whatever that cost is. County Manager Abolt said, and I must admit, and I'll be very frank with you, I was not aware this was a problem until Commissioner McMasters asked me kind of a general question the other day of contact he had from the President of the Planning Commission. This is the first time I'm aware that the issue of --, not difference, but the issue I presented for you is now going to bring to bear on some other issues. Commissioner Murray said, well, I know we can't use those funds to fund one of the positions over there just to do anything. I understand that because we can't even buy --, we've been questioned over the years about buying certain equipment for the County with those funds. So I know they're restricted funds. My only question is so that money, that

50-whatever thousand is comes back, goes back in that fund and is set aside to pay them on a contract basis for those services. County Manager Abolt said, well said. Commissioner Murray asked, is that –?

Chairman Hair asked, do you want to say something?

Mr. Newton said, maybe one comment. When the Planning Commission approached the City and County about setting up an environmental planning program, that covered a wide array of environmental issues, one of which was solid waste, and the funding was –, approval was given to fund that position. The County determined to fund it out of the Solid Waste \$1.00 tipping fee because at that time a major part of the activity was it was during the time the solid waste plan was being drafted and implemented. But that money has always been used by the Planning Commission as it's environmental planning monies. That's the money that pays for our greenspace planning effort, that's the money that pays for the natural resources element update of the comprehensive plan, and that's what we had been relying on for those activities. So the problem with providing solid waste services on a bill-back basis, is that we cannot do any of the other natural resource or environmental planning activities without a staff, and we don't have a staff to do the solid waste unless we have the full person. That's our dilemma.

Commissioner Rivers said, Mr. Chair. Chairman Hair said, let's stay in order. Commissioner McMasters next and then Commissioner Rivers. Chairman Hair recognized Commissioner McMasters. Commissioner McMasters said, I'll let Joe [Rivers] go. Chairman Hair said, thank you. Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, all I want to know is can he do what's stated there with what he's got or not? Chairman Hair said, I think he said he could. Mr. Newton said, we can do the Southeast Chatham with what we have. Chairman Hair said, based on the plan. Mr. Newton said, the comprehensive plan and the zoning ordinance update would be delayed. Commissioner Rivers asked, well, why do we –.

Commissioner McMasters said, that's raised another issue, Joe [Rivers]. Chairman Hair recognized Commissioner McMasters. Commissioner McMasters said, the issue is, and if I understand this correctly, we don't currently have a full-time environmental planner for the County and we're going to lose it? Mr. Newton said, the environmental planning responsibility is now spread among three or four. Commissioner McMasters said, right. Mr. Newton said, you're spreading it out. That service that would be –, would be lost. County Attorney Hart said, from Milton's [Newton] standpoint we can longer justify the \$56,000 salary designated for that slot when that person does not spend his time –. Commissioner McMasters said, the entire time doing that. County Attorney Hart said, – doing that. Commissioner McMasters said, solid waste work. I understand that. County Attorney Hart said, if Milton [Newton] came back and gave me a memo that said we looked at it and researched it and based on our analysis 20% of this person's time, then you'd have 20% of that fund being available for that. The other 80% he's got to have a funding source for. Commissioner McMasters said, well, my concern is environmental planning being spread out amongst –, it can't be done as well as if one person was doing it, what I want to know is does the City of Savannah –, help me understand, Milton [Newton]. Does the City of Savannah help fund this environmental planning? Like crime, I mean, environmentalists –. Mr. Newton said, yes, the City and County equally –, equally fund the environmental planning program. Commissioner McMasters asked, so this is just a short fall from the County? Mr. Newton said, right. Commissioner McMasters said, okay. And it's funded out of the M&O? Mr. Newton said, no. Commissioner McMasters asked, SSD? Mr. Newton said, no, the environmental activities –. Commissioner Murray said, out of the Solid Waste Fund. Mr. Newton said, out of the Solid Waste Fund.

Chairman Hair said, I think we're getting a little far afield from the item on the agenda here. Commissioner McMasters said, yeah, I know, but I want to –, I want to solve the problem that's been brought up. Chairman Hair said, sure, but I mean we're talking about the 90-day moratorium.

Commissioner McMasters asked, do we have –, how's the SSD budget? Are there funds available there? County Manager Abolt said, the only funds are Contingency. Commissioner McMasters asked, Contingency? County Manager Abolt said, yeah, because we have challenges in SSD. Commissioner McMasters said, okay. How large is our Contingency fund? County Manager Abolt said, \$269,000. Commissioner McMasters said, okay. Well, let me just ask that the County Attorney work as diligently and as creatively as possible to maybe do something corrective in this regard.

Chairman Hair said, and also, Commissioner McMasters, we can go further if you choose to do it, just ask the staff to look at alternatives and bring back to us on the 10th. Commissioner McMasters said, well, I'd like alternatives to fund this –. Chairman Hair said, that's what I'm saying. County Manager Abolt said, I can give you the alternatives right now. Commissioner McMasters said, okay. County Manager Abolt said, again, I was not aware this was an issue until this –, our conversation. You can authorize and direct us to work with Mr. Newton to draw down SSD Contingency for the balance of the year to do environmental planning not related to solid waste; he'd come in and we'd increase our contribution to SSD –, to MPC. Commissioner McMasters said, well, I'd rather see the creative options explored first, and that would be another option. Chairman Hair said, I think we'd get better options if we give a little bit of time to think about it and say bring back something to us on January 10th. I think that would be –, rather than make –.

Commissioner Murray asked, [inaudible] go away? Has he already gone? Commissioner McMasters said, yeah, good question. Is the position already gone or is it going? Mr. Newton said, the position's gone. Commissioner McMasters said, it's gone. All right –. Mr. Newton said, the person is gone, right.

Chairman Hair said, so we're talking three weeks and we'll be able to deal with that, and staff will bring back -. Russ [Abolt], are you writing that down? You're going to bring back some -? County Manager Abolt said, yes, sir. Chairman Hair said, all right, any other questions on this? Chairman Hair recognized Mr. Nutting.

Mr. Nutting said, you only talked about one position. The other position is the main person that's been working with us is leaving. So we're losing -, my only point in bringing this up is that you -, I didn't want you to be all that comfortable. They do have someone in sight who we hope will come in and pick up with good speed, but with any new transaction, she's got to get up to date and get to understand everything, and I just -, that's a factor that you need to consider that it may not make the schedule because of -.

Chairman Hair said, Mr. Nutting, I appreciate that, but also we have our own staff and he said we could do it, and he's the man that makes the -, we hold responsible to make sure it happens, and he said it could happen, but, I mean, I appreciate your point that it's something that needs to be thought about. Commissioner Murray said, let's keep in mind, too, that position is not a budgeted position. Chairman Hair said, right, that's just a [inaudible] current position.

Chairman Hair asked, any other discussion on that issue? All right, we have it off the table. Do you want to retable it? What do you want to do? Commissioner McMasters said, well, we've instructed staff to -. Chairman Hair said, yes, he's made that note, so do you want to retable it?

Commissioner McMasters said, I'll retable the motion. Chairman Hair said, motion to retable. Second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Odell, Gellatly and Kicklighter were not present.]

ACTION OF THE BOARD:

1. Commissioner Murray moved to place this item before the Commissioners for discussion. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]
2. Commissioner McMasters moved to table this item to the next meeting on January 10, 2003. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Odell, Gellatly and Kicklighter were not present.]
3. Staff was instructed to bring back funding alternatives for the MPC to provide environmental planning not related to solid waste.

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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 was 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 was received as information.

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3. **ROADS AND DRAINAGE REPORTS.**

ACTION OF THE BOARD:

Written reports were received as information.

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4. CURRENT STATUS AND PROJECTED SCHEDULE FOR CERTAIN HIGH-PROFILE BIDS AND RFPS (AUDIT AND PARKS MAINTENANCE SERVICES).

ACTION OF THE BOARD:

Written report was received as information.

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5. STATUS OF M&O GRANTS IN AID RECOMMENDATIONS.

ACTION OF THE BOARD:

Written report was received as information.

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EXECUTIVE SESSION

Upon motion being made by Commissioner Rivers, seconded by Commissioner Murray and unanimously approved, the Board recessed at 12:58 p.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 1:37 p.m.

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ITEMS FROM EXECUTIVE SESSION

1. REQUEST BOARD APPROVE ASSIGNMENT IN FACTORING AGREEMENT PERTAINING TO MTCB AND LEWIS BROADCASTING (JON HART)

ACTION OF THE BOARD:

1. Commissioner Rivers moved to recuse Chairman Hair from this issue due to a business conflict of interest. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Gellatly were not present.]
2. Commissioner Rayno moved to approve the assignment in factoring agreement pertaining to MTCB and Lewis Broadcasting. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Chairman Hair was recused from voting; Commissioners Odell and Gellatly were not present.]

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

ACTION OF THE BOARD:

Commissioner Rayno 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 Odell and Gellatly were not present.]

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ADJOURNMENT

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 1:38 p.m.

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APPROVED: THIS _____ DAY OF _____, 2003

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

SYBIL E. TILLMAN, COUNTY CLERK