

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JANUARY 24, 2003, 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, January 24, 2003.

=====

**II. INVOCATION**

Commissioner Jeff Rayno gave the invocation.

=====

**III. PLEDGE OF ALLEGIANCE**

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

=====

**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  
B. Dean Kicklighter, District Seven

ABSENT: David M. Gellatly, District Six

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

=====

**YOUTH COMMISSIONERS**

Chairman Hair introduced the following Youth Commissioners who were in attendance: Greta Lindqvist, a Junior at St. Vincent's Academy, and Normal Mell, a Junior at Benedictine Military Academy.

=====

**ORDER OF BUSINESS**

Chairman Hair said, I'm going to ask unanimous consent to add under Commissioners' Items under Commissioner Odell, the City of Savannah for ten minutes, and also under my section the Rape Crisis for two minutes. So, without objection -. Okay.

=====

## V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

### 1. SPECIAL PRESENTATION ON AQUATIC CENTER (4 MINUTES).

Chairman Hair said, we have a special presentation on the Aquatic Center, four minutes. Who's going to do that, Mr. Abolt. County Manager Abolt said, I need Pete [Nichols] to cue the monitors. Pete [Nichols], you want to cue the monitors. Chairman Hair asked, we'll see something here on the –. County Manager Abolt said, yes. Chairman Hair said, a four-minute presentation on the Aquatic Center. County Manager Abolt said, we also have some copies for you after the video is finished. Chairman Hair said, okay. County Manager Abolt said, direct your attention to the monitors once they light up. Chairman Hair said, okay.

A video was then shown as follows:

In 1998, the Chatham County Aquatic Center was unveiled. [Inaudible] to the one cent sales tax, the world class swimming facility proved just how powerful a penny could be. The mission of the Aquatic Center was to build a first-rate competitive swimming complex that would attract all levels of participation from the community, the region and the State. Build it and they will come was the thinking behind the enterprise. We did and they have. Since the grand opening of the Georgia State Championships in February of 1998, Savannah has built the infrastructure to host the biggest and best meets in the State of Georgia. A three-day championship event takes over a hundred volunteers averaging eight hours of service apiece. To develop the swim officials and timing operators necessary to run a major event has taken over a thousand volunteer hours invested in certification.

The time and money committed by the residents of Savannah to bring their new facility up to national standards has been astounding. Astounding, too, has been the return on investment. Today swim meets have had a financial impact on Chatham County exceeding \$21,000,000. With currently scheduled events that number will grow to \$35,000,000 by August 2004. Remember, the Aquatic Center was the investment of \$4.6 million for Chatham County. Since the Aquatic Center opened, there have been over a half million visitors to the facility, which has also be host to therapy classes for the hospitals, instructional classes for the YMCA, lifeguard instruction by the Red Cross, recreational programs for day care and day camps, swim classes from beginning youngsters to adults, coached adult competitive classes, competitive swim teams from high school through summer leagues to year round competitive teams, sixteen aerobic arthritic classes, two sprint triathlons, military training for the 160<sup>th</sup>, 165<sup>th</sup> and 175<sup>th</sup> certifications for the fire and police departments, training for the Coast Guards, as well as recreational and lap swimming.

The construction of a world class facility has made it possible for Savannah children to win numerous Georgia state swimming championships and to set a number of new State records while competing heads up with Atlanta in spite of the fact that one Atlanta team alone has over 1,200 swimmers. Since opening the Aquatic Center has produced over twenty swimmers who live in Savannah and have worked their way to a top ten national ranking in their specialized events. Most recently, one swimmer has gone on to a top five ranking in the world in the distance events. Again, only made possible by the use of the facility. Carey Hilliard's sponsors one of the major events every October and Tim Hilliard noted that during the event he recognized a 13% increase in sales at his restaurants.

The Aquatic Center is open six days, 86 hours per week. The Champion Corporation, a national leader in aquatic management, employs over 36 people year round to make the Aquatic Center Savannah's aquatic arts with ambience. How do we say thanks? By changing one life at a time, and it only costs you a penny.

Chairman Hair said, thank you. Commissioner Murray said, you didn't have anything in there about the retirees. Chairman Hair said, we appreciate that, Pete [Nichols]. That gives us a little feel because that's one of the things that we'll be considering next Friday, you know, in the workshop to maybe possibly replace that roof on that facility.

=====

### 2. PROCLAMATION FOR BENNIE ERVIN, EQUIPMENT OPERATOR III, AND HAROLD LACOUNT, SUPERVISOR I, RETIRING FROM PUBLIC WORKS.

Chairman Hair presented the following proclamation to Mr. Harold LaCount:

**WHEREAS**, employees that have displayed dedication and great performance for Chatham County deserve to be recognized, we salute Harold LaCount for possessing those attributes; and

**WHEREAS**, Harold LaCount began his employment with Chatham County in the Custodial Department at the Chatham County Police Department on September 1, 1972; having received favorable evaluations, he was promoted several times and is retiring January 31, 2003 as a Maintenance Supervisor I in the Drainage Maintenance section of Public Works; and

**WHEREAS**, he has received letters of commendation from citizens and compliments from coworkers for working as a team leader and always doing a job well done; and

**WHEREAS**, Harold worked in the construction section for ten years and gained extensive knowledge in construction and repair of storm pipes in addition to assisting in constructing boat ramps throughout the County.

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

**HAROLD LACOUNT**

for over thirty years of dedicated service to Chatham County and extend best wishes for a long, happy and healthy retirement.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 24<sup>th</sup> day of January, 2003.

---

Dr. Billy B. Hair, Chairman  
Chatham County Commission

**ATTEST:**

---

Sybil E. Tillman, Clerk

Mr. Robert Drewry said, good morning. I want to say a few words on behalf of Harold [LaCount]. A proclamation is a wonderful document, but it just does not describe the value Harold has been to Public Works. I wish I had the way and the words to do, but I cannot. Harold is going to be greatly missed. That's the first thing I need to say first off, but he's been on the Pipe Crew for a number of years and of all the crews that I've got out at Public Works, I think by far that crew has received the most compliments and the most letters of recognition. It's the most efficient and productive crew I've had and it's primarily due to Mr. Harold LaCount. He's very valuable to Public Works. He's going to be a great loss to us and a hard one to fill. So, Harold –, well, one more thing before I forget. I've got a plaque in recognition of 30 years of faithful service to Public Works and I believe there's a lamp over there for you.

Mr. LaCount said, thank you, sir. I appreciate it. Thank you, Robert [Drewry]. Good morning, ladies and gentlemen. I always wanted to come up and address the County Commission. It took me 30 years to do that. But I always took pride in coming to work and doing the best job that I possibly can. When I first started at the County back in '72, with County Sheriff, Mr. St. Lawrence give me my first job, and since then I've been doing the job that I was paid to do. My supervisor [inaudible], Mr. John Walz, is here and his assistant, Robert. John and I have worked together for many of those years that I've been here. We've always had a good working relationship together. He's treated me fairly and respect and I'm going to miss John and everybody who's associated with us, with that department. I did what I had to do and it paid off for me, and I want to say thank y'all. Thank all of y'all, everybody, and God bless all of y'all. Thank you.

Chairman Hair said, thank you, thank you.

Mr. LaCount said, I think my wife wanted to say something. Mrs. LaCount said, I want to congratulate you. Chairman Hair said, we'll see if you do that a month from now. Mrs. LaCount said, good morning, ladies and gentlemen. I would like to congratulate my husband who've I've been with for the past 27 years in February coming will be 28 years. He's always been a wonderful husband, father and a very hard working man, and I would like to say to him congratulations and I'll keep you in my prayers morning and night wishing God's blessing upon you now and forever more. Congratulations.

The following proclamation was prepared for presentation to Mr. Bennie Ervin, but Mr. Ervin was unable to attend the meeting:

**WHEREAS**, Chatham County is privileged to have employees of high caliber that take great pride in their duties and responsibilities, and in that regard, we commend Bennie Ervin; and

**WHEREAS**, Bennie Ervin began his employment with Chatham County on September 16, 1971 as a Laborer in the Streets and Right-of-Way Department and because of his hard work and dedication, received several promotions and retired on December 31, 2002 as an Equipment Operator III in the Road maintenance section of Public Works; and

**WHEREAS**, he received a Letter of Appreciation in 1990 thanking him for outstanding support, dedication and assistance in removing equipment which freed needed space and saved Chatham County thousands of dollars; and

**WHEREAS**, Bennie Ervin was dependable, maintained his equipment properly, operated his equipment in a safe manner and was very knowledgeable of all job duties in maintaining roads.

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

**BENNIE ERVIN**

for over thirty-one years of dedicated service to Chatham County and extend best wishes for a long, happy and healthy retirement.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 24<sup>th</sup> day of January 2003.

\_\_\_\_\_  
Dr. Billy B. Hair, Chairman  
Chatham County Commission

**ATTEST:**

\_\_\_\_\_  
Sybil E. Tillman, Clerk

=====

**VI. CHAIRMAN'S ITEMS**

**1. WAIVER TO ALLOW COMMISSIONER RIVERS TO REMAIN ON THE CADDA BOARD UNTIL THE COMPLETION OF HIS CURRENT TERM.**

Chairman Hair said, I'm going to respectfully ask my fellow Commissioners for a waiver to allow Commissioner Rivers to remain on the CADDA Board. He's done an outstanding job for CADDA and we -, I would ask you that you would pass a motion authorizing him remain on the CADDA Board until completion of his current term.

Commissioner Murray said, so moved. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes. Keep up the good work, Commissioner Rivers, down there.

**ACTION OF THE BOARD:**

Commissioner Murray moved that the Board waive the two consecutive terms requirement and allow Commissioner Rivers to remain on the CADDA Board until the completion of his current term. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers failed to cast a vote; Commissioner Gellatly was not present.]

=====

**2. PRESENTATION BY RAPE CRISIS CENTER.**

Chairman Hair said, Mary Watson, who heads up the Rape Crisis Center, has asked for two minutes to give us a presentation, a couple of minutes, and she has done an outstanding job with the Rape Crisis Center and I think in both proposals, I think both in my proposal and Commissioner Rayno's proposal there is a hundred -, I believe that, Jeff [Rayno], it's in your proposal, \$100,000 for the Rape Crisis Center in SPLOST, and I hope that remains in there, and I think it will. I don't think anybody is going to try to take that out hopefully. So hopefully it will stay in both proposals. She does an outstanding job and has for many years, I've known her for many years. Chairman Hair recognized Ms. Watson.

Ms. Mary Watson said, thank you. I also have a couple of my board members who are here, Fran Arnsdorff and Bridgett Letty [phonetic], who serve on my board of directors. We had our annual meeting last night, and most of you were not able to attend so you missed your presentation, so I'm glad to have the opportunity to do this again. The Rape Crisis Center started in the mid-70's with just a group of volunteers who -, they had a friend who was raped and there was nothing in Savannah for her. For the first seven years we were all volunteers operating out of our homes. In about 1983 though we decided, you know, this problem is bigger than what we can do as volunteers, so we really need some local funding to help support it and have an office and a real staff and so forth, and so we approached the City and the County and United Way as our local funders, and all three responded very positively, and that has really made it possible for us to grow as an agency and to get State and Federal funding, which you always have to have matching funds, so you have -, your support has really helped us to grow as an agency and to support many, many victims over the years. Every year we serve hundreds of victims of sexual assault, and that's not just women, but children and also males who are victims, and their family members who are secondary victims who also suffer. We reach thousands every year with our prevention programs, everything from Good Touch, Bad Touch for little kids all the way to self defense for women. We do bullying classes in elementary schools, we do date rape and sexual

harassment classes. We reached over 15,000 just last year, so we really appreciate your support, and I'll read the plaque to you. It says:

Chatham County Board of Commissioners in recognition and appreciation of continuous support and dedication to assisting sexual assault victims in our community through contributions to the establishment and growth of the Rape Crisis Center. January 2003.

Ms. Watson said, and thank you very much. It really means a lot. Chairman Hair said, thank you very much. If you'd pass that to the Clerk, we'll make sure we hang that in a prominent place. Commissioner Odell and then Dr. Thomas. Okay, Dr. Thomas and then –.

Commissioner Thomas said, thank you. I would just like to say that I can certainly attest to their testimony here this morning. Having served on that volunteer board for a number of years, it was certainly an interesting experience and I would like to congratulate them for sticking in there and hanging in there because it was really tough from the onset and you have done a tremendous job. I also would like to know, is that project for collecting old phones or unused phones still ongoing? Ms. Watson said, actually the Violent Shelter [sic] is the agency that needs the phones, the Safe Shelter. We actually are collecting old china, old plates and –. Commissioner Thomas said, old china. Ms. Watson said, we –, in our building we have a wall in the courtyard where victims can go and throw plates against the wall to get out their anger. Commissioner Thomas said, yeah, I saw that. Ms. Watson said, and then the pieces of the plates –. Commissioner Murray asked, that's old china plates you're throwing? Ms. Watson asked, I'm sorry? Commissioner Murray asked, old china plates that you're throwing? Ms. Watson said, yes, yes. Commissioner Murray said, okay. Ms. Watson said, the pieces are made into art work. Commissioner Murray said, I know a place you can dispose of those, if you'd like, without breaking them up. Ms. Watson said, well, if they happen to be chipped anyway it really doesn't matter. Commissioner Kicklighter said, if y'all have any extras, send them up here. Commissioner Kicklighter said, well, you can come over to the office and throw plates any time.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, your self defense program is excellent. In fact, I have a daughter who is 24. When is your next program? Ms. Watson said, probably March or April, but if you'll –, I'll put her name on the list and we can give her a call. Commissioner Odell said, okay. She can be reached through my office. Ms. Watson said, okay, great. Thank you. That's wonderful.

Chairman Hair said, thank you, Mary [Watson]. We appreciate you and the board members being here. We appreciate y'all being here. Ms. Watson said, thank you very much. Chairman Hair said, keep up the good work. Ms. Watson said, okay. Thank you.

=====

## **VII. COMMISSIONERS' ITEMS**

### **1. REQUEST BOARD ELECT A CHAIRMAN PRO TEM FOR 2003.**

Chairman Hair said, the next thing on our agenda is for us to elect a Chairman Pro Tem for 2003. Commissioner Murray has served in that capacity. I would recommend that we reappoint him as Chairman Pro Tem. Commissioner Thomas said, I move for approval. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes.

Commissioner Odell said, let's give Frank [Murray] a big cheer. [Applause.] Chairman Hair said, we're going to double the salary that he gets paid to be Chairman Pro Tem. That was part of the motion that he gets twice what he got last year. Commissioner Murray said, about as much as Priscilla [Thomas]. Chairman Hair said, yeah, we're also including the Vice Chairman's raise, too.

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

Commissioner Thomas moved that Commissioner Frank Murray be elected as Chairman Pro Tem for 2003. Commissioner Kicklighter seconded the motion and it carried unanimously.

=====

### **2. TIMOTHY SHEPPARD - 5 MINUTES (COMMISSIONER ODELL).**

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, Mr. Sheppard is –, Tim, you're our Court Administrator or something? Mr. Sheppard said, Deputy Court Administrator. Commissioner Odell said, Deputy Court Administrator. I'm sorry, I just replaced you with your boss.

Mr. Timothy Sheppard said, good morning. Mr. Chairman and members of the Chatham County Commission, especially to Commissioner Odell, I want to thank you for this opportunity to address this body. My reason for coming here is to express deep concern with reference to some issues surrounding the present insurance carrier, Blue Cross/Blue Shield, but more specifically a recent event in which I received very unprofessional treatment from the insurance representative. Specifically, back in December of 2002 my wife sought to get a refill of Nexium, which was prescribed by her endocrinologist. I can only ascertain that the doctor, who is a certified physician, felt that Nexium was the medication that she needed. Nexium seems to be very controversial, not because of any problem or side effects, but because of its cost. Nevertheless, as a prescribed medication she sought to have it refilled. Upon trying to retrieve the medication, she was advised that the cost now was \$25, whereas, under SBG we only paid \$12. Very disturbing in view of the fact that we were told that Blue Cross/Blue Shield was going to give us everything the same as what we had before. Upon securing the name of the company rep, I proceeded to contact Frank Hardeman. I explained the situation to him and was given anything but professional assistance. I was told by Hardeman that some prescriptions were not the same and that I would need a letter from my wife's physician stating that she definitely needed the Nexium. Again, I assert that he is a board certified physician. If he prescribed Nexium, there should be no question from the insurance company as to what she should have. The conversation between Hardeman and myself escalated as I became perturbed at what I was being told, but the main thing that concerned me was the fact that Hardeman [inaudible] illegal activity by offering me to come by his office and he would give me some of his own prescription for Nexium for my wife. I explained to him that this was illegal, both on my part to even come and get it and his part to make the offer. However, he did the same thing a second time and again I advised him of the illegality of what he proposed. I ended the conversation by hanging up the phone in his face. I would also like to note that during the conversation Hardeman admitted that he was working in the office by himself on that day, he had his children with him because his wife was home sick. He further seemed to be disgruntled because, as he put it, the office staff was gone because they decided to take Christmas off to stay home with their children. Specifically, he said that Christmas is for children. Well, in the eyesight of God we are all children. Furthermore, if he understood the true meaning of Christmas, I doubt that he would have made such a blatantly rude remark. Now, I cannot and no way want to assert that I am speaking on behalf of anyone but myself; however, I would dare to say that a great many of our County employees are disgruntled with the dealings that we have had with Blue Cross and Blue Shield. I realize that the County is in a very dire straits situation as far as the budget; however, as an employee I count myself as valuable –, a valuable asset to this County and the citizens therein. As such, I would expect to be treated with dignity and respect. We, as employees, were not given any input into this change when it occurred. It was presented to us that Blue Cross and Blue Shield was a choice; however, it was not a choice, it was an ultimatum. Either we accepted Blue Cross and Blue Shield or we had no insurance. It is a known fact that the lowest bidder is not always the best for the task to be accomplished. Maybe Blue Cross/Blue Shield is going to bring forth great savings this year; however, at what cost and whose cost? With all due respect to this entire Commission, this is one area which I strongly believe the savings does not justify the means through which it comes. I would ask that upon your review of their first year, you look at what would happen in the future for I can tell you this, they may have saved us some money this year, but the future is another thing. As for Mr. Hardeman, he may be the representative of Blue Cross and Blue Shield, but he can never represent me from anything. If at any point in time you all would like to speak with me further, I will make myself available. Again, I thank each and every one of you for this time and to you, Mr. Odell.

Commissioner Odell said, just –, Russ [Abolt], could we have Mike Kaigler at Human Resources meet with this gentleman and a representative from Blue Cross/Blue Shield? Chairman Hair said, I think that would be very appropriate and also, Mr. Sheppard, we appreciate your comments and –. Mr. Sheppard said, yes, sir, thank you for your time. Chairman Hair said, – when we are reviewing that contract, we certainly will take that –, your comments into consideration. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I can relate to what you're talking about. Mr. Sheppard said, yes, sir. Commissioner Murray said, I have had the same situation with prescription drugs for my wife. The doctors prescribed Singulair for her asthma and specifically that brand because it was working. Mr. Sheppard said, yes, sir. Commissioner Murray said, he had a prescription to renew for X-amount of times. The pharmacy could not renew the prescription unless the doctor filled out a form certifying [inaudible]. The doctor even called and they said, no, you're going to have to try a different one. He thought strongly enough that he gave her two months of samples out of his office for her to use until it could be corrected. Now I've talked with Mr. Hardeman, I have told him my dissatisfaction with what they're doing with the prescription drug program. Now, I do know any time we make changes that we have some things that have to be adjusted and we have to look at and certainly they're supposed to be trying to make those changes, but I have not seen them take place yet. Mr. Sheppard said, yes, sir. Commissioner Murray said, and for the way that someone speaks to you, that's totally uncalled for and should never happen. Mr. Sheppard said, well, Mr. Murray, that's my main reason for coming today, and I understand that changes will occur and some things have to be adjusted, but again if he is a representative for us as County employees, then it is incumbent on him to show himself as professional. You know, I've done what I was asked, I've gotten the letter and I'm going to have to make the presentation, but I'll be honest with you, I do not care to deal with Mr. Hardeman. Commissioner Murray said, well, I'm going to call Mr. Hardeman myself and talk to him personally about this situation because this is not just isolated. I know it's happening –, I'm not taking about the conversation –. Mr. Sheppard said, yes, sir. Commissioner Murray said, – I'm talking about the problem with the prescription drugs is happening over and over and over and it's happening in many cases, and that's not what we were told. Some things have to be work and if they can't be worked out, quite frankly, I will vote to go with another firm. Mr. Sheppard said, yes, sir, and thank you again.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, I'd like to also state that I've had problems with the same medication, Nexium, as well, and, like you say, it's not an isolation situation and it's something that really needs to be taken care of with Blue Cross and Blue Shield.

Chairman Hair said, Mr. Abolt, I would hope that somewhere in Mr. Kaigler's office that we are tracking complaints and types of complaints and frequency of complaints so that when we get ready to renew, we'll have an objective data base that we could make some decisions on and make --, if we need to make adjustments or whatever we need to do as a Commission --.

Commissioner Thomas said, and finally, let me say that everybody cannot take every thing and some of the things that they're proposing for you to take in its place --, for instance, myself, I'm allergic to some of the things that they're suggesting that I take in the place of what my doctor prescribes for me, and so, therefore, I tried to get them to understand that I cannot take it because I'm allergic to it. So I'm sort of at a standstill too.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, just for the record, I reported a problem with the same exact prescription with one of our other employees. For some reason they have a problem paying for Nexium.

Chairman Hair said, okay. Mr. Sheppard, we appreciate you being here and bringing this to our attention. Mr. Sheppard said, thank you. Chairman Hair said, thank you for your time.

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

Received as information. It was requested that Michael Kaigler, Director of Human Resources, have his office begin tracking complaints regarding Blue Cross and Blue Shield as to their type and frequency.

=====

### **3. PRESENTATION BY THE CITY OF SAVANNAH (COMMISSIONER ODELL).**

Chairman Hair said, I'm going to adjust our items slightly as a professional courtesy to my dear friend, the Mayor of Savannah. I'm going to call on Commissioner Odell to introduce him.

Commissioner Odell said, we're in the SPLOST negotiations. A big part of that is funding that will go directly to the City of Savannah and I'd like to give our Mayor --, he's getting so trim I really don't recognize him, but always dapper --, the only one, Mayor Floyd Adams.

Mayor Adams said, good morning, ladies and gentlemen. Thank you for giving me the opportunity to speak to you. I believe that Savannah is the most beautiful city in America and is the engine that drives Chatham County. In that regard, I'm hoping that y'all will be more generous from what I heard you say this morning. I personally feel that we must all work together cooperatively for the betterment of this community, but I just want to remind you that I'm not pleased with everything that we've been offered. Initially, we asked for \$161 million. Based on population that's what we should get, and the City Council, City Manager and staff went through and got --, and developed proposals to deal with every penny of that money for the betterment not only of Chatham County, but the City of Savannah and all other municipalities. We're asking you to support the proposal that Chairman Hair put forward. For instance, Mr. Rayno, in your district the majority of the drainage goes in your district, cleaning up Casey South. Mr. McMasters, the Battlefield Park is downtown Savannah. Tourism is the key to keeping us moving. After 9-11 we lost a lot of manufacturing jobs, but the tourist industry is up 6% above last year because we must maintain things downtown to attract people here. Most of the people who live in unincorporated areas work downtown and they enjoy coming here and doing all the festivities that they enjoy, but we're here asking you this morning to approve the \$95 million. True, two of these projects, \$90 million, should have been taken care of in the County on their roads program --, the CUTS program --, but we accepted it and made the adjustment. Our main concern now is to improve the neighborhood revitalization that's going on that we need to continue with and build up so we can have something for the tourists to continue to come to Savannah. We would welcome a one-on-one workshop with you all so we can discuss our proposal. The City Manager will give you handouts basically showing our proposals from day one of the original proposal, the compromise proposal and then the final proposal plan. We are here. There are things in your proposal that I personally don't like, but I'm a compromising person. We'll deal with the \$95 million, but don't cut us any more because what we feel that you're doing is nitpicking and dealing with --, and hurting the entire County when you cut the engine off. We need that fuel to keep us going. So please arrange for a meeting so we can have a workshop one-on-one with you and explain the various proposals we need to do. Placentia, drainage, roads, community projects, all that benefit every citizen in this community, including Savannah and Chatham County. So, gentlemen, thank you. I'll call the City Manager up to give us a more detailed prognosis of what we're planning on doing with the roads, projects and neighborhood revitalization, and that's part of my ten minutes, okay.

Commissioner Odell said, Floyd [Adams], I'd like to have the proposal that's being handed out to be attached to the minutes and incorporated and made a part of the minutes.

Chairman Hair said, I would ask Commissioner McMasters that we allow them ten minutes. We're going to have ample time in our workshop for a dialogue and the questions. I don't think today's the appropriate --. Mayor Adams said, any questions for me --. Chairman Hair said, let them do their presentation and then --. Mayor Adams said, we'll do the presentation and then we'll be aware, but we don't want to overstep the opportunity to be here.

City Manager Michael Brown said, good morning. Mr. Chairman, I think at one of your workshops in the last several weeks we –, there was an item in there for the City of Savannah with \$95 million, and I think it was labeled sort of pending or it almost looked as if it was sort of transitional, or maybe it was a little –, the things we're trying to ferret out are things that are superfluous, and what you have coming around to you shows you the very –. Does everybody have what is being handed out? Chairman Hair asked, is it one page or –. City Manager Brown said, it's just one page. Chairman Hair said, okay, we have it. City Manager Brown said, it's the City's request –, it keys back to what the Mayor just said about it starts with \$161 million, which would represent about 58% of the funds, which is exactly our population, and then what the Chairman had proposed, which –, it hurt, but was \$95 million, which would be about 34% of the money. And let me walk you through what those are. You gave us guidance. I think Commissioner Rayno and others said, look, let's stick to the basics here in the beginning and that's what's been successful, that's what's provided value to our people, so we stuck to drainage, roads, public safety. Yes, some parks and open space, but that wasn't the main part of the package, and then, as the Mayor said, we have two items that we think are important and that's neighborhood revitalization, and we're talking about eliminating blight, and economic development that is keeping tourism and the engine going so when you look at our package, that is what is in the package, and it's coded pretty much by those categories. First and foremost is drainage, which is right about \$52 million. Yes, we've made a whole lot of progress. We can take a major rainstorm and we don't have the kinds of heart breaks we used to have, but I think as Mr. McMasters knows, and fortunately about three months ago –, two or three months ago –, participated in a drainage workshop with us in the neighborhood at Alice and Tattnall about five blocks from here. There are people, when we get one or two inches of rain in an hour, that will have water come up to their doorsteps and into their house, and the solution for that is to construct an outfall line from that neighborhood to the Springfield Canal. The Placentia, and you just mentioned Terrace Heights, Parkwood, Fernwood, the neighborhoods by Savannah State. The Mayor mentioned Casey South. It sounds sort of nondescript. We're talking –, when people drive down Abercorn and we get three inches of rain in an hour and a hundred cars are flooded, they look at the Commission and the City Council and they say, "Well, what's wrong with the City, what's wrong with Abercorn?" Well, we have yet to do sub-basin improvements in South Casey. We've made –, we have two pump stations, we have the canal. Now we need to do, what you say, east/west laterals all the way from Victory Drive to –, nearly to DeRenne, 63<sup>rd</sup>. The shopping center at 63<sup>rd</sup>. So I know that's \$31 million, but this is expensive work. Springfield, we're talking areas in Commissioner Odell's district, areas along the Springfield Canal that still need some work to be done. Wilshire, and it's too bad Dave Gellatly is not here. We know the area around the hospital, all around Wilshire, San Anton, those neighborhoods still are at risk of flooding, and they need an outfall line. So that's what makes up most of our \$52 million in drainage. That's not fluff.

City Manager Brown said, next we had what we call neighborhood revitalization. I asked those of you to go to Anderson and Ogeechee Road, right by the EOA building and take a tour through the Cuyler/Brownsville neighborhood and then compare your memory back to five years ago. That neighborhood was in terrible condition. We know that. Today there's a central park, there's streets, there's sidewalks, there's curb and gutter, there's trees and there are new houses, quality new houses going into that neighborhood, so the funds that we had for neighborhood redevelopment would go into two or three critical areas, what we call Cuyler South, which is just from 37<sup>th</sup> to Victory Drive between M. L. King, in that area, just south –, south of 37<sup>th</sup> Street another area is Ben Van Clark, and that's listed here. Garden Homes was the oldest and worst public housing in Savannah. Today go look at it. It's trees and open space and soon it will be 250 units of single-family, multi-family. You're not going to know who's subsidized and who's not. We're building the streets and we're just asking for help on a countywide basis, just like we're building infrastructure, as we should, on the westside for their development and growth. Another area would be the Augusta Avenue and the Bay Street area. That is an entryway into our City. Some people never go there, but those that do say, "What's wrong with this neighborhood?" We will be doing streets, curb and gutter, sidewalks, restoration of open space in that neighborhood. That's what we call West Savannah Renewal. Battlepark. You know, in the last six months the Governor was here. Our new Governor supports the Daimler project. Everybody debated, but it is exciting because it's going to be one of the biggest economic development projects in Georgia in our time. In 1830 the Mayor and Aldermen of the City of Savannah built railroads from that site to the interior of Georgia and made the City of Atlanta, I think it was called Marthasville at the time, made it possible. That site is one of the most significant historic sites in the City and in the nation. The Department of Interior says that's the best 19<sup>th</sup> Century rail complex in our nation, and there's a 160,000 square foot building which you're welcome to visit. The roof and the support trusses are in trouble; they're rusted; it's going to collapse. We need this money to help clean up the site, stabilize that and then make it part of our tourism entryway. The work we did on the Visitor's Center 15 years ago is now the pathway for our visitors. So that's –, please don't cut the Battlepark. We felt we needed a basketball complex. We cut that. Ellis Square Revitalization. Historic Savannah was founded on Ellis Square. A mistake was made in building that parking garage. If we take that out and not –, it won't be just a nice to-do project. We can put some of the best commercial in Savannah in that neighborhood. People say, well, Charleston's better than Savannah; they've got better stores; they've got a better downtown. Well, that's one of the reasons because Ellis Square needs to be restored.

City Manager Brown said, Mr. Chairman, I'm almost finished. Street reconstruction. We believe that many of the streets in Savannah are –, they're older streets, highest traffic volume. As the Mayor says, "Carrying a lot of employees around the region." We need to do street reconstruction. We cut that from \$7.4 to \$2 million. A couple of corridors I would mention. West Gwinnett. Those of you who go to Carver, and some of you may not. Some of you may use Gwinnett. A big old "S" curve in there that's dangerous. People get their houses run into. This is a rehabilitation for West Gwinnett. It's something that Dorothy Pelote calls me about every other week. The railroad tracks for example on West Gwinnett. The M. L. King Corridor. If we're going to talk about commercial vitality and our tourism entryway, there's no better project than that, and I think there are people even here today to further support that. Sidewalk installation. \$3 million broken up into small pieces. As I told Commissioner Rayno a minute ago, a few years ago, I'm not trying to dramatize, but on LaRoche Avenue we had a child that, it's narrow, there were no sidewalks, and a child got hit. Those are the kinds of sidewalks that would come out of the \$3 million, and along with a project to widen and improve DeLesseps all along the corridor in the vicinity of Savannah State. So, Mr. Chairman, we appreciate the support you've given. I think by my description that you can see these are not sort of like little fluffy

things. These are projects to –, when people outside of Savannah look at the City and they go, “Well, you know, why would I want to live there? The taxes are high and, you know, the place doesn’t look good.” Well, we’re asking for a little bit of help from our tax money to help revitalize our neighborhood and keep this economic engine going. This is not \$95 million worth of fluff, and every million that you cut out of this just puts it –, it just makes it that much more expensive on City taxpayers because we have to revitalize our neighborhoods out of our tax dollars and then the SPLOST gets used to help build new neighborhoods in the unincorporated area, and we don’t want to get into that kind of battle. Thank you, sir.

Chairman Hair said, Mr. Brown, we appreciate it. I’m going to allow for a quick question. I think most of the dialogue will take place in the workshop next week. Commissioner McMasters has a quick question.

Commissioner McMasters said, Mr. Mayor, you’re head of the Municipal Association of Georgia? Mayor Adams said, Georgia Municipal Association. Commissioner McMasters asked, can you tell us a little bit about MOST? Mayor Adams said, MOST just basically came up because of the 15 largest cities in Georgia felt that we needed an avenue that could deal with the HOST situation. MOST will allow the cities to call a special tax, if it goes through the Legislature. It will allow cities to call for a special election similar to the HOST part of SPLOST. Commissioner McMasters asked, it’s a municipal option sales tax exclusively for the City of Savannah? Mayor Adams said, no. Commissioner McMasters asked, for the larger cities? Mayor Adams said, for the larger cities.

Chairman Hair said, thank you very much, Mr. Mayor, Mr. Brown. We appreciate –. Mayor Adams said, but every city –. Once the legislation goes through, every city would have that opportunity, but to be quite frank with you, I don’t think it’s going to go through because there are some cities –, counties –, there are 13 counties in the State right now that have a special education tax, and some are charging already seven cents, so there’s a possibility it won’t go through, but we felt that we needed this opportunity to [inaudible] because the County have HOST, we needed the MOST.

Commissioner McMasters said, okay, and in the –, if the MOST fails, isn’t the objective of your organization to get a guaranteed seat at the table with SPLOST? Mayor Adams said, no. Commissioner McMasters asked, no? Mayor Adams said, LOST. Commissioner McMasters said, LOST. Mayor Adams said, yes. Commissioner McMasters said, okay. Thank you.

Chairman Hair said, thank you, Commissioner McMasters. Thank you, Mr. Mayor and Mr. City Manager. I want to also recognize –, we have Alderwoman Courtney Flexon here with us today, we also have Alderman Clifton Jones, and in the back we have Mayor Pro Tem Ellis Cook, Alderman Pete Liakakis, At-Large. Any other City aldermen here? Commissioner Murray said, we’ve got –. Chairman Hair said, I’m going to get to them. I’m going to get Tybee in a second. Okay, we appreciate y’all being here. Mr. Mayor, did you say that y’all would be available at the end of next week? Mayor Adams said, end of next week. Chairman Hair said, okay. We’ll try to do a workshop at the end of next week, and it could be –, and I would appreciate feedback from my fellow Commissioners –, it could be that if we’re going to do it that late, the end of next week, we could call a workshop and maybe a special called meeting after the workshop. That would prevent us, you know, from having to have two meetings. We could maybe do it at the end. Commissioner Rivers said, we normally have Fridays –. Chairman Hair said, Friday. I’m thinking Friday. I’m thinking Friday and we could go and have –, schedule a workshop for Friday and after the workshop have a regular meeting like we did this morning, and then if we were ready to take a vote at that point in time, we’re close to the –, you know, that’s close to the deadline. The 31<sup>st</sup> is very close to the deadline, and that would allow the City of Savannah to also act. So if no one objects, let’s go ahead and set the meeting now so we can do the proper advertising. Chairman Hair recognized County Attorney Hart.

County Attorney Hart said, the only point I’d like to make is if y’all wait till Friday, then we’re going to have to prepare an intergovernmental agreement and there’s been so many permutations of so many different programs that you’re almost starting from scratch again on your intergovernmental agreement. You know, we tried to model one after the Chairman’s proposal this morning.

Chairman Hair said, I think we’re going to have to wait until Friday. Because of scheduling conflicts, I know most –, a lot of us will be out of town Wednesday and Thursday. I think –, I understand your concern, Mr. Hart, but –. Mr. Hart said, we’ll deal with it. Chairman Hair said, – maybe you’ll have to work a little overtime. Commissioner Murray asked, you like that overtime, don’t you? Chairman Hair said, so why don’t we set –, do you want to say the workshop at nine o’clock and the regular called meeting at eleven? Is that –? I think two hours will be –. Does that sound good? Do the workshop –, called workshop at nine o’clock next Friday, and a regular meeting at eleven o’clock next Friday –, special called meeting, and, Mr. Hart, if you’ll make sure –, work with Gail [Gordon] and get the proper notices out. Mr. Mayor, we’ll go ahead and –.

Chairman Hair said, I know many of you out here represent community groups, and we’re not going to discuss the SPLOST today. We will be doing it at that time. So you’re welcome to come back next Friday at nine for the workshop and then we hopefully will take a vote at eleven at our regular meeting after we work out all the details. Again, I want to recognize, as Commissioner Murray said, we have Mayor Walter Parker here and we have some aldermen. We have –, I see Mr. Burke, Jimmy Burke back there and Walter Crawford. Mayor Pro Tem of Tybee, I believe, is your official title, Mr. Crawford. Anybody else from the City of Tybee here that I’ve missed? Any other elected official? Again, we appreciate all of you coming and, as I said, most of you I’m sure are here for maybe the SPLOST workshop. That will occur at nine o’clock next Friday.

Commissioner Odell said, Billy [Hair], if the Mayor and City Manager can have additional information that you’d like for us to consider, for me it would be helpful to have that before we actually go into the meeting. So if you can get it to me as quickly as possible. Any additional information. I have the information you’ve provided.

Chairman Hair said, yeah, and Mayor Parker, you know the thing you and I just discussed prior to the meeting, maybe if we could get Representative Burke Day to also –, maybe if you could just give that to me in writing so that I could also share with other Commissioners, I think that would be helpful as well, and anybody else that wants to give us –, the same thing with community groups –, if you have anything you'd like to give us that you think supports your proposal, if we could have it well in advance, if you could get it to us early next week, that will give us time to read it, it will really speed up the process next Friday when we have our regular workshop. Okay? Thank everyone for coming. Commissioner Murray said, let me just make one comment, if I could. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I got a phone call earlier this week after our last workshop and evidently some misinformation has been put out about what took place, but those of you that were in that meeting know that there was no Commissioner up here going after any particular municipality to try to cut their budgets or their proposals, but the information that came back to me was untrue and I just want to make sure that people realize that we are not up here trying to go after any particular municipality or anything else. We're up here trying to do the job to spread it out like it needs to be done. So, with that, thank you.

Chairman Hair said, okay. We'll wait just a moment and let everybody leave here. Mayor Adams said, we didn't mean to empty the room. Chairman Hair said, this is our normal crowd when we don't have a special event. Mayor Adams said, thank you, gentlemen. Chairman Hair said, Mr. Mayor, we appreciate you being here.

U:\reports\2003\2003-2008\2003-2008 Project Summary Original vs Final 2003 to 2008.wpd

Print Date: 01/23/03

Reduction		\$4,418,000	\$5,115,210		
	<b>Summary total</b>	<b>\$101,830,000</b>	<b>\$151,425,000</b>	<b>\$82,338,454</b>	<b>(\$50,115,210)</b>
BD	French/Delaware Ave Widening	0	1,185,000	1,000,000	(3,185,000)
BD	Sidewalk Installation	3,000,000	3,000,000	1,000,000	(5,000,000)
BD	MFK Comm. Improvements	3,400,000	3,400,000	3,400,000	0
BD	Community Street Improvements	0	5,550,000	5,550,000	0
BD	Street Reconstruction Program	13,200,000	1,400,000	5,000,000	(2,400,000)
B2	Public Safety	0	0	1,300,000	1,300,000
BFC	Ellis Square Revitalization	30,000,000	14,200,000	8,000,000	(8,200,000)
BFC	Bakerhill Complex	1,500,000	1,500,000	0	(1,500,000)
BFC	Battleground Park	8,000,000	8,000,000	8,000,000	0
BFC	West Savannah Renewal	30,000,000	3,000,000	3,000,000	0
BFC	Regional Recreational Facility Improvements	5,500,000	5,500,000	1,180,000	(1,050,000)
BFC	Cultural Arts Center	1,180,000	4,000,000	3,000,000	(1,000,000)
BFC	Minick Youth Complex	120,000	120,000	120,000	0
OCO	Neighborhood Redevelopment	8,100,000	8,100,000	4,000,000	(4,100,000)
OCO	Ben Van Clark - Infrastructure & Park	2,000,000	3,000,000	1,200,000	(1,200,000)
OCO	East Wing of Moses Jackson	820,000	820,000	820,454	(10,210)
DR	Blip - Alice & Taffrail	8,000,000	8,000,000	1,800,000	(500,000)
DR	Wright-North Branch Improvements	8,000,000	8,000,000	1,800,000	(500,000)
DR	Hammock/Chippewa	1,800,000	1,800,000	1,800,000	0
DR	Springfield Basin - Phase II	1,000,000	1,000,000	1,000,000	0
DR	Casely South	31,300,000	31,300,000	30,800,000	(200,000)
DR	Back Line Relacement	5,200,000	1,000,000	1,000,000	0
DR	Piscine	1,120,000	1,120,000	1,120,000	0
<b>Category</b>	<b>Project</b>	<b>Amounts Requested Original</b>	<b>Amounts Compromised First</b>	<b>Plan Compromised Final</b>	<b>Final vs Compromised First</b>
<b>Detail of Savannah Projects:</b>					
		<b>\$101,830,000</b>	<b>\$151,425,000</b>	<b>\$82,338,454</b>	<b>(\$50,115,210)</b>
OCO	Other capital outlay	14,220,000	15,220,000	8,338,454	(8,510,210)
B2	Public safety	0	0	1,300,000	1,300,000
BFC	Parks' recreation and greenways	13,830,000	33,820,000	53,830,000	(8,150,000)
BD	Roads and sidewalks	18,800,000	53,505,000	15,250,000	(10,285,000)
DR	Drainage	\$23,220,000	\$25,020,000	\$21,120,000	(\$200,000)
<b>Summary of Savannah's planned used by major category:</b>					
		<b>Amounts Requested Original</b>	<b>Amounts Compromised First</b>	<b>Plan Compromised Final</b>	<b>Final vs Compromised First</b>
<b>Proposed Savannah 2003-2008 Projects for 2003-2008</b>					

**ACTION OF THE BOARD:**

A presentation was made by the City of Savannah on their proposal for the SPLOST referendum, which was received by the Commissioners as information.

The Board scheduled a SPLOST workshop for Friday, January 31, 2003, in the Green Room, to be followed by a special called meeting at 11:00 a.m., in the Commission Chambers.

=====

**VIII. TABLED/POSTPONED ITEMS**

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

**1. 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 recognized Commissioner McMasters.

Commissioner McMasters said, on Item #1, I didn't see anywhere [inaudible] in the agenda, unless I missed it, any discussion about the Southeast Land Plan, and I wanted to put it on as a Commissioner item, didn't have time, forgot to do it, and if we untable #1, it will give us an opportunity to have Mr. Nutting -, I'd like to make a motion that we untable -. Chairman Hair asked, what are we going to accomplish by this? I mean, what is -? Commissioner McMasters said, well, we might learn a few things about the progress of the Southeast Land Plan. Chairman Hair said, okay, make a motion to untable. Commissioner McMasters said, yeah, I like to move that we untable #1. Chairman Hair asked, second. Commissioner Murray said, I'll second.

Commissioner Odell asked, how long is this going to last? Chairman Hair asked, what's the length of your presentation? Commissioner Rayno said, as long as it takes. Commissioner McMasters said, yeah. Commissioner Odell said, well, nothing is as long as it takes where you [inaudible]. Commissioner McMasters asked, did you all want to set a limit? Chairman Hair said, yeah, I think ten minutes max. Ten minutes max and then we'll -, if I'd vote for it, I'd vote against it, but -. Commissioner McMasters said, it's an update. Chairman Hair said, we get updates all the time, I don't know why it would take more than ten minutes. Commissioner McMasters said, that's [inaudible]. Chairman Hair said, okay. Commissioner Rivers asked, why do we have to take it off the table to update?

Chairman Hair said, all those in favor of the motion vote yes, opposed vote no. Everybody needs to vote. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.] Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, okay. Mr. Newton, could you apprise of the MPC's deliberations and discussions on the Southeast Land Plan.

Mr. Milton Newton said, yes, sir. As we had advised you earlier, the staff has submitted the draft to the Planning Commission for review. The Planning Commission reviewed it at their meeting -, last meeting and asked that some additional folks be notified of the progress and what is included in the plan. We in the Planning Commission then continued into their meeting of the 4<sup>th</sup>, in which case -, and I also decided that if they needed a special meeting, in order to still meet the time frame that this body has set, that they would hold a special meeting in order to make that time frame.

Commissioner McMasters said, okay. So we're going to -, got to have a special called meeting at taxpayer expense for the Southeast Land Plan discussions based on what group's inability to participate? Mr. Newton said, there was some discussion with the -, about the Homebuilders about the need to make sure that they were adequately informed of some of the recommendations. There may have been some other issues that board members had, but they did not voice them at that meeting. Commissioner McMasters said, I attended that meeting and principally the Homebuilders Association would be out of town, if I'm correct, and did the Homebuilders attend any of the public meetings or open houses for workshops? Mr. Newton said, I think there may have been some individual members there. I think there was someone was there at that meeting, at the MPC meeting said that they were members of the Homebuilders and had attended some of the sessions. Commissioner McMasters said, no, I think the woman that attended actually what she said, Milton [Newton], was she did attend and she was in favor of it. Mr. Newton said, that's correct. Commissioner McMasters said, and the -, Mr. Conner [[phonetic] was of the opinion that since none of the Homebuilders saw fit to attend any of the public meetings or the open house, that this should be deferred at taxpayer expense so that they could participate. Is that essentially what transpired? Mr. Newton said, well, the Planning Commission decided that they would prefer to give -, to err on the side of making sure that it was inclusive and to give everyone an opportunity to be heard and they could still meet the time lines and the deadline that this body set. Commissioner McMasters asked, well, where are we in meeting that time line from the MPC perspective? Mr. Newton said, its on the agenda for the 4<sup>th</sup> of February and if the Planning Commission acts at that meeting, it will be sent over here and still be at your -, I forget the date -, which is the regular date at which it was originally set. Commissioner

McMasters asked, so as long as they act and not delay it any further, we'll still keep to the time line that this Commission set? Mr. Newton said, if they have to look forward to a [inaudible] time line, if they have a special meeting, it will still comply with the time line. Yes, sir. Commissioner McMasters said, okay. Thank you.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, pardon my -, if it's been answered, but when you were making your presentation originally, you made the comment about group -, a group that felt like they did not have adequate time. I have a problem with that because you had these public meetings and they were all well advertised. Everyone knew about the meetings, there were notices that went out about them. Some of us met with the Homebuilders about the moratorium and some other things that were coming up on all this. They were fully aware and talked about it during that meeting, and to have a group come back and try to stop it because of them not having time to look at it, doesn't make a lot of sense to me. I don't understand that.

Chairman Hair said, okay. Commissioner Murray said, I mean, you've got the time line. You said we're going to meet it, and I just want to make sure we meet that time line. Chairman Hair asked, any other questions, Commissioner McMasters?

Commissioner McMasters said, well, I would just urge you, Milton [Newton], without making a motion here, that the time line be maintained. Are we in agreement that -? Chairman Hair said, certainly, but we are going to have to -, we are going to have to make a motion to retable it because what's on the agenda is adoption of the moratorium, so we untabled it to discuss it, now we're going to have to retable the moratorium or vote on it, either one. I think to table it would be the appropriate action.

Mr. Newton said, I just want to add that I believe I -, since the intent of the Planning Commission was to work their very best to make the deadline that you -. Chairman Hair asked, you don't see any slippage of the dates at this point? Mr. Newton said, no. It's very difficult to project the unforeseen, but the -. Chairman Hair asked, but you don't know of anything to cause -. Mr. Newton said, - the intent of the Planning Commission is to make it. Commissioner Murray asked, you mean you work for a group like this?

Chairman Hair said, okay, I'll entertain a motion to retable now. Commissioner Rivers said, so moved that we table the moratorium. Commissioner Kicklighter said, motion to retable. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, okay, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes. Thank you.

**ACTION OF THE BOARD:**

1. Commissioner McMasters moved to untable this item and place it before the Commissioners for consideration. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]
2. Commissioner Rivers moved to table this item to the next meeting. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**2. AT MEETING OF DECEMBER 6, 2002, COMMISSIONER RAYNO REQUESTED RECONSIDERATION OF THIS ITEM. WAS RE-TABLED AT MEETING OF DECEMBER 20, 2002. WAS RE-TABLED AT MEETING OF JANUARY 10, 2003.**

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
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

**Note: There is a need to increase the contract with Hilb, Rogal & Hamilton to the amount by \$10,948.08, which reflects removing flood insurance from a marginal Public Works building for a net savings to the County of \$38,815.92. This means should be removed from the table to allow amendment and Board should then consider acting upon or retabling. See attached.**

Chairman Hair asked, Commissioner Rayno, are ready to that other item off? If we're not -. County Manager Abolt said, the only the thing I would note, with your permission, Mr. Chairman, is that on that second item, the reference to the contract with our agent of record, since this was on the table I've notified the Board in memo form, and it's also attached to your staff report, I've taken the actions that I'm told I can to in effect remove flood insurance coverage from a marginal structure at Public Works. That's the same one you all talked about in your workshop. In doing that, which I think is very much cost beneficial to the County and the organization as a whole, we must recognize that given the contract with our agent of record and legislation passed at the national level, the amount of adjustment is not \$7,000, but it will be \$7,000 plus the \$10,948 as a result of removing flood insurance coverage from this structure. When all is said and done, even with that, there is, as I indicated in the agenda item, there's almost a \$39,000 savings to the County.

Chairman Hair asked, we have –, move to take it off the table? Commissioner Odell said, so moved. Chairman Hair asked, second? Commissioner Rivers said, second. Chairman Hair said, all those in favor of taking it off the table vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes.

Chairman Hair said, I'll entertain a motion to approve. Commissioner Odell said, move for approval. Commissioner Rayno said, whoa, whoa, whoa, whoa. Chairman Hair said, well, let's get a motion. Is there a second? Commissioner Rivers said, second. Chairman Hair said, okay. Now, Commissioner Rayno.

Commissioner Rayno asked, what's [inaudible]? Chairman Hair said, the motion is to approve the \$7,000 premium. County Manager Abolt said, \$7,000 plus the \$10,900 –. Chairman Hair said, yeah, so it's actually \$17,948.08. Commissioner Rayno said, he failed to –, the Attorney failed to answer a question I asked about two or three meetings ago about whether or not someone can vote on this particular issue depending on who's contributed to their campaigns.

County Attorney Hart said, we did a memo on conflicts of interest that was distributed to the Board of Commissioners right after you asked me that question. It's a several page memo. Chairman Hair said, we got it the next day actually. County Attorney Hart said, covering as broad a spectrum of things as I knew how to cover. The way the ethics law is written in this State, they define legal conflicts of interest as having a pecuniary interest in the outcome of the matter before you. There has not been any cases that have disqualified an elected official taking a general campaign contribution when a separate and independent item comes up before the Commission from which that campaign person has not directly participated in or would receive a pecuniary interest out of it. If any member of this Board were to be receiving some type of funds out of the Commission, then they probably should recuse themselves. Chairman Hair said, as a result of the action they voted on. Right? County Attorney Hart said, yeah, as to the action they voted on.

Commissioner Rayno said, on the schedule of payments that's listed in the service contract between the County and that particular agency, where does it specifically say that we would be given that additional money outside of the fixed fee that they requested? County Attorney Hart said, it does not specifically say in the contract. It does say that if they're entitled to earn –, earn a premium on insurance, if they placed the insurance and the insurance is cancelled, they're entitled to the premium for the cancellation, and this is just a simple matter –, this is a matter in which you have a building that you're going to be paying \$49,768 on flood insurance that if you cancel it, you may owe an additional premium amount, but you'll save \$38,815 by merely cancelling the flood insurance, and this is the building y'all were –, that there's some discussion about replacing. Chairman Hair said, how are we spending \$17,000 and saving \$38,000? I mean, I don't understand. Commissioner Rayno said, I don't have a problem with the savings, but I have a problem with is there's no legal agreement within our service contract with this agency that says that we will give them additional funding.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, if you refer back to –, got a page number four at the bottom on the previous staff report, but if you go to the agenda item, you have my memorandum referencing the building that the Attorney has just talked to you about, but in the third piece of paper is another copy of the older staff report on this, and what we're bound by is not the contract, but by –, in reference to Item #4, Federal Flood Insurance Requirements, where in effect the national level we cannot exact from the broker of record a fee that is not representative of in effect what the Commission lost when flood insurance is reduced. That's substantially the issue.

Commissioner Rayno said, my concern is the ACCG has a program where if you buy this particular type of insurance they said if you remove the flood insurance they would feel like it had less worth and they wouldn't charge any extra for that, and then, second, because it's a private party system, they're actually paying back the County's dividends after a year's gone by and it's not been claimed, and you actually make money if there's been no claims. And here, you know, you've given us the carrot of we're saving money, but in fact we're giving these people more money, and my concern also is the fact, again, contributions were made to particular people on this Commission's campaign and I just feel very uncomfortable with the whole situation.

Commissioner Odell said, I [inaudible] that they didn't make one to my campaign.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, I cannot speak to the last item, but I will tell you our evaluation, and this is a few weeks old, on the ACCG program, as I understand it, is tailored primarily to the communities of smaller size and also as I understand it, unless it's changed recently, that you have to buy the whole offering, and the reason we've steered back from that, there are certain coverage given in the situations where, based on legal review, if we were to take the coverage, it would pierce our sovereign immunity, so in the past we have steered clear of the ACCG program.

Commissioner Odell said, I'm going to call for the question. Chairman Hair said, we have a motion to approve. All those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rivers, Murray, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes.

Commissioner Kicklighter asked, may I state for the record something? Chairman Hair said, certainly. Commissioner Kicklighter said, nobody donated to my campaign. I don't know who they're referring to. Chairman Hair said, me either, I don't know.

County Attorney Hart said, the only thing I'd like to add to that is just direction to remove the coverage from the building. Chairman Hair said, yeah, I think that was part of the motion. Commissioner Odell said, it was. Chairman Hair recognized Commissioner McMasters.

**ACTION OF THE BOARD:**

1. Commissioner Odell moved to untable this item and place it before the Commissioners for consideration. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]
2. Commissioner Odell moved to approve Change Order No. 1 to the annual contract with Hilb, Rogal & Hamilton to provide insurance agent/broker services for additional services in the total amount of \$17,948.08, which amount reflects removing flood insurance from a marginal Public Works building for a net savings to the County of \$38,815.92. Commissioner Rivers seconded the motion. Chairman Hair and Commissioners Rivers, Murray, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno and McMasters voted in opposition. The motion carried by a vote of six to two. [NOTE: Commissioner Gellatly was not present.]

=====

**IX. ITEMS FOR INDIVIDUAL ACTION**

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

1. **REQUEST BOARD APPROVE THE FOLLOWING: A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$18,000 FOR THE BOARD OF ELECTIONS, A TRANSFER OF \$15,000 FROM THE 1985-1993 SPLOST RESTRICTED RESERVE FOR SPECIFIED ROAD PROJECTS TO WHEATON STREET AND A SPECIAL SERVICE DISTRICT FUND CONTINGENCY TRANSFER OF \$46,990 TO THE MPC FOR ENVIRONMENTAL PLANNING.**

Chairman Hair said, I'll entertain a motion to approve. Commissioner Thomas said, move for approval. Chairman Hair asked, second? Commissioner Murray said, second. Chairman Hair asked, any questions? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes.

Commissioner Murray said, let me just ask one quick question on that. That \$46,000 to the MPC, is that going to be enough to do that position we discussed at our last meeting, right? That takes care of everything? Mr. Newton said, that puts us back in the position of funding level at which this body approved for this fiscal year. County Manager Abolt said, I did want to make a -, take note which Milton [Newton] is aware of on that. This does exactly what Milton [Newton] said and what we intended it to do. It does not forgive any potential for the MPC to reimburse this County for unjustified -, unjustified from the standpoint of illegal -, but expenditures in the area of use of a solid waste surcharge that may be contrary to State law. That is still under review by the County Attorney, who needs more information from Mr. Newton.

Chairman Hair said, okay, thank you.

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the following: A General Fund M&O Contingency transfer of \$18,000 for the Board of Elections, a transfer of \$15,000 from the 1985-1993 SPLOST restricted reserve for specified road projects to Wheaton Street, and a Special Service District Fund Contingency transfer of \$46,990 to the MPC for environmental planning. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

2. **REQUEST BOARD ADOPT SPLOST 2003-2008 RESOLUTION AND INTERGOVERNMENTAL AGREEMENT. This document will be prepared between Wednesday and Friday morning.**

Chairman Hair said, the second item will be on next Friday's agenda. That's the SPLOST resolution.

Commissioner McMasters asked, may I comment? Chairman Hair said, certainly. Commissioner McMasters said, the language that I received in the packet last night, Mr. Chairman, did not seem to incorporate the police merger language as was decided in the workshop. I'm kind of curious as to why the County Attorney failed to do that. County Attorney Hart asked, do what?

Chairman Hair said, he's saying the language for the police merger for the \$3.37 million that's not in the [inaudible]. Commissioner Murray said, [inaudible]. Chairman Hair said, I thought it was. County Attorney Hart asked, was not in the what? Commissioner Rayno said, it wasn't in the intergovernmental agreement language. Commissioner McMasters said, no, it was not in the referendum language. County Attorney Hart said, it doesn't need to be in the resolution language, and some of the numbers are floating, but if you go back and look at the working model that we've done for the intergovernmental agreement, under one of the attachments to the agreement there is language in there for the police merger, and if you look at the proposed intergovernmental agreement, there's a paragraph, D or E in there, that's another decision that y'all are going to have to deal with about how those funds are going to be disposed of between the City and the County because apparently between Wednesday and Friday the City's understanding of that versus what I understood the Chairman's understanding of that has diverged.

Chairman Hair said, Commissioner McMasters, we really won't be able to do the final intergovernmental agreement until after, you know, we make out the resolution because all of those things will change as a result of whatever action this Board takes. Commissioner McMasters said, Mr. Chairman, I understand that, but in the workshop we all agreed that --, not the intergovernmental agreement, but the ballot language would have the words which we all agreed on, police blending. Chairman Hair said, if you're talking about on the ballot itself --. County Attorney Hart said, Mr. Chairman, I wasn't even at the workshop, but we have done an intergovernmental agreement to the best of our ability based on the status of what y'all decided to put in or take out. We have also drawn a resolution to the best of our ability. Chairman Hair said, there is a [inaudible], Commissioner McMasters. I think if we have it in the intergovernmental agreement, I think --, I understand that the workshop discussion --. Commissioner McMasters asked, did I misunderstand? Chairman Hair said, no, no, you didn't misunderstand the discussion, but, you know, I remember some Commissioners saying, well, if you put it in some people will vote for it because it's there and some people will vote against it because it's there. I mean, I think, you know, in terms of putting it in there, I do remember discussion where if you put it in there as police blending and then the merger does not occur, then you have to go through this fairly elaborate process of declaring that particular money infeasible for spending for that purpose and we have to reallocate that money for something else. If we put it in there as public safety and then we would not have to go through the process if the merger does not go through. But if the wish of this Commission is to put it in there as police merger, that's fine, on the ballot, but if a merger does not occur, we cannot spend that money immediately for public safety. We've got to go through a very elaborate process to change that. That's what the State law says.

Commissioner Kicklighter said, but the majority of the Board at that meeting after much discussion decided to put the wording in there --. Chairman Hair said, but the County Attorney never got the word. He can't be attacked because he didn't put the wording there. He didn't even know about it, so --.

County Attorney Hart said, if you want the wording in there, we'll put it in there. The only difference between putting it in there as police blending is if there is a decision not to blend, then you've got a SPLOST item designated for a particular purpose. If you put it in there for public safety and emergency equipment and the merger should not go through, then you have a little more flexibility of taking those items and still acquiring public safety equipment.

Chairman Hair said, put it in there if the majority of the Board wants to put it in there. Commissioner Rivers and then Commissioner Murray. Put it in there.

Commissioner Rivers said, Mr. Chair, I think when we discussed that at the end, even at the beginning, I said all you have to do is change one word, blending, and enter the word merger, and I think we all had a consensus that all of that wording would go in there if the County Attorney --, public safety and equipment, blending would be replaced by merger. Chairman Hair said, yeah, even if you put police blending though, I believe --, and the Attorney will have to rule on this --, but I believe that's still going to require us to declare it infeasible and we'll have to go through the process because if you make it blending, we'll still have to go through the process. County Attorney Hart said, I would have to look at it. Commissioner Rivers said, that doesn't matter. Chairman Hair recognized Commissioner Murray. Commissioner Rivers said, just with the word of semantics.

Commissioner Murray said, Jon [Hart], we met in Russ's [Abolt] office about some other things after that meeting and this was one of the items that was discussed and we were explaining that it if did not meet the same criteria as the flyover did and several other items that we deemed not feasible, so they did not set a precedent for this, but if the wording could be structured on there as such where the citizens when they vote would know what the intent was of that money, and that I think is the major concern of all this Commission, or at least the majority of the Commission, that the citizens understand what the intent is of every item we've got on that referendum so we don't have people coming up and saying, well, you had it over in this category so you can use money for anything you want to, and that's why we wanted it out there so they would at least understand. I think, if I'm not mistaken, you told me the wording could be such where that would --, it would take care of it. County Attorney Hart said, yeah, we'll just have to go back and reword the default provision. I felt like the way we had it worded covered us either way, but if you want more specificity, we'll put it in there. Commissioner McMasters said, thank you.

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

Action on this item will be taken at the special-called meeting scheduled for Friday, January 31, 2003.

=====

### **3. RESULTS OF AND ACTION ON PRIVATIZING SOME PARKS MAINTENANCE. Staff will present final document on the 14<sup>th</sup> of February.**

Chairman Hair asked, you want to deal with that later? County Manager Abolt said, the 14<sup>th</sup>. We're not ready, sir. Chairman Hair said, the 14<sup>th</sup> we'll deal with that. Okay.

Commissioner Kicklighter asked, may I –? I'll ask Russ [Abolt] at this point on that one. If you would, please give Jo Hickson on our next agenda, our next regularly scheduled meeting –. County Manager Abolt said, the 14<sup>th</sup>. Commissioner Kicklighter said, yes, sir, and ask her to give us an update on the status of getting the restrooms out at Triplett Park. County Manager Abolt said, the 14<sup>th</sup> of February. Commissioner Kicklighter said, yes, sir.

**ACTION OF THE BOARD:**

This item was postponed by staff to the meeting on February 14, 2003.

=====

**X. ACTION CALENDAR**

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

Chairman Hair asked, does anybody want to pull anything off the Action Calendar? Anybody? All right, I'll entertain a motion to approve the Action Calendar. Commissioner Thomas said, move for approval. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Thomas moved that the Action Calendar be approved in its entirety. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

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

=====

**1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON JANUARY 10, 2003, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the minutes of the regular meeting on January 10, 2003, as mailed. - Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD DECEMBER 30, 2002, THROUGH JANUARY 14, 2003.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved that the Finance Director is authorized to pay claims for the period December 30, 2002, through January 14, 2003, in the amount of \$10,891,947. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**3. REQUEST BOARD APPROVAL OF GRANTS-IN-AID RECOMMENDATIONS FROM THE HUMAN SERVICES AND CULTURAL AFFAIRS TASK FORCES FOR FY 2002/2003 AND AUTHORIZE THE CHAIRMAN TO SIGN GRANT-IN-AID CONTRACTS WITH THE VARIOUS AGENCIES.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the grants-in-aid recommendations from the Human Services and Cultural Affairs Task Forces for FY 2002/2003 and authorized the Chairman to sign grant-in-aid contracts with the various agencies. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**4. REQUEST BOARD APPROVE AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF VERNONBURG TO PROVIDE FLOOD ZONE DETERMINATIONS, MINIMUM FLOOR ELEVATION RECOMMENDATIONS AND RELATED FLOOD MAPPING SERVICES. [DISTRICT 6.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve an intergovernmental agreement with the Town of Vernonburg to provide flood zone determinations, minimum floor elevation recommendations and related flood mapping services. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**5. REQUEST FROM SOUTHBRIDGE DEVELOPMENT COMPANY, ENGINEER FOR THE DEVELOPER, TO RECORD THE SUBDIVISION PLAT FOR SOUTHBRIDGE, PHASE 17, ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE AND RECOMBINE THIS PHASE INTO THE EXISTING STREETLIGHT ASSESSMENT DISTRICT. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the request from Southbridge Development Company, engineer for the developer, to record the subdivision plat for Southbridge, Phase 17, accept the subdivision agreement and financial guarantee and recombine Phase 17 into the existing Streetlight Assessment District. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**6. REQUEST FROM ENGINEER FOR THE DEVELOPER, GENESIS DESIGNER HOMES, TO RECORD THE SUBDIVISION PLAT FOR STONEBRIDGE, PHASE 1A, ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE AND RECOMBINE THIS PHASE**

**INTO THE EXISTING STREETLIGHT ASSESSMENT DISTRICT.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the request from the engineer for the developer, Genesis Designer Homes, to record the subdivision plat for Stonebridge, Phase 1A, accept the subdivision agreement and financial guarantee and recombine Phase 1A into the existing Streetlight Assessment District. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**7. REQUEST BOARD APPROVE AMENDING THE AGREEMENT FOR THE TRADE CENTER PARKING GARAGE TO INCLUDE SPECIFIC REFERENCE OF LEGAL BOUNDARIES AND REALIGNMENT OF THE PRESCRIBED PARKING EASEMENT.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve amending the agreement for the Trade Center parking garage to include specific reference of legal boundaries and realignment of the prescribed parking easement. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**8. REQUEST BOARD APPROVAL IN FINAL SETTLEMENT OF ADLER CONDEMNATION.  
(NOTE: Was postponed from last meeting.)**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approval of final settlement of Chatham County v. 0.092 Acres of Land; William D. Adler, et al, CV96-0828-MI, by the payment of an additional \$15,000 into the registry of the Superior Court, and transfer the funds from 1985-1993 SPLOST, Restricted Reserve for Specified Road Projects, to Wheaton Street. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**9. REQUEST FOR NEW BEER AND WINE POURING LICENSE FOR 2003. PETITIONER: PENAFRANCIA V. LAROSA, D/B/A ALOHA B-B-Q & MORE, LOCATED AT 5794 OGEECHEE ROAD (This is the old Mammy's Kitchen location).  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the petition of Penafancia V. Larosa, d/b/a Aloha B-B-Q & More, located at 5794 Ogeechee Road (the old Mammy's Kitchen location), for a new beer and wine pouring license for 2003. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**10. REQUEST FOR RENEWAL OF BEER AND WINE RETAIL PACKAGE LICENSE FOR 2003:  
A. PETITIONER: ROBERT STANLEY PERRYMAN, D/B/A SAM'S CLUB #8202, LOCATED AT 3609-A OGEECHEE ROAD.  
[DISTRICT 8.]  
B. PETITIONER: DONNA (ROCK) MUNCEY, D/B/A WAL-MART SUPERCENTER #635, LOCATED AT 6000 OGEECHEE ROAD.  
[DISTRICT 6.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the renewal of beer and wine retail package license for 2003 for the following petitioners: (A) Robert Stanley Perryman, d/b/a Sam's Club #8202, located at 3609-A Ogeechee Road, and

(B) Donna (Rock) Muncey, d/b/a Wal-Mart Supercenter #635, located at 6000 Ogeechee Road. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

- 11. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR FOR 2003:**
- A. PETITIONER: STEPHEN A. GROVE, AGENT FOR RESTAURANT CONCEPTS II, LLC, D/B/A APPLEBEE'S NEIGHBORHOOD GRILL & BAR, LOCATED AT 4705 U.S. HIGHWAY 80 EAST.  
[DISTRICT 4.]**
  - B. PETITIONER: STEPHEN A. GROVE, AGENT FOR RESTAURANT CONCEPTS II, LLC, D/B/A APPLEBEE'S NEIGHBORHOOD GRILL & BAR, LOCATED AT 5460 AUGUSTA ROAD.  
[DISTRICT 7.]**
  - C. PETITIONER: RAYMUNDO L. JAIME, D/B/A EL POTRO MEXICAN RESTAURANT #14, LOCATED AT THE OLD GIOVANNI'S LOCATION AT 1 GATEWAY BOULEVARD.  
[DISTRICT 6.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the renewal of Sunday sales of beer, wine and liquor for 2003 for the following petitioners: (A) Stephen A. Grove, agent for Restaurant Concepts II, LLC, d/b/a Applebee's Neighborhood Grill & Bar, located at 4705 U.S. Highway 80 East; (B) Stephen A. Grove, agent for Restaurant Concepts II, LLC, d/b/a Applebee's Neighborhood Grill & Bar, located at 5460 Augusta Road; and (C) Raymundo L. Jaime, d/b/a Potro Mexican Restaurant #14, located at the old Giovanni's location at 1 Gateway Boulevard. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

- 12. REQUEST NEW BEER, WINE AND LIQUOR RETAIL PACKAGE LICENSE FOR 2003.  
PETITIONER: CHARLES R. JONES, D/B/A SILVER DOLLAR BAR & GRILL, LOCATED AT 2883 FORT ARGYLE ROAD.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the petition of Charles R. Jones, d/b/a Silver Dollar Bar & Grill, located at 2883 Fort Argyle Road, for a new beer, wine and liquor retail package license for 2003. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

- 13. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER AND WINE POURING FOR 2003:**
- A. PETITIONER: THOMAS L. ODOM, JR., D/B/A COUNTRY SOCIAL CLUB OF SAVANNAH, LOCATED AT 5150 JASMINE AVENUE.  
[DISTRICT 3.]**
  - B. PETITIONER: RICHARD W. AKRAM, D/B/A HOOTERS OF SAVANNAH, INC. LOCATED AT 4 GATEWAY BOULEVARD.  
[DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the renewal of Sunday sales of beer and wine pouring for 2003 for the following petitioners: (A) Thomas L. Odom, Jr., d/b/a Country Social Club of Savannah, located at 5150 Jasmine Avenue, and (B) Richard W. Akram, d/b/a Hooters of Savannah, Inc., located at 4 Gateway Boulevard. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**14. 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. Renewal of an annual hardware maintenance contract on the E-911 Centralink radio equipment	Police	Motorola, Inc. (sole source)	\$13,344	E911 Funds
B. Professional services contract to provide "as required" instruction and supervision of youth under the jurisdiction of Juvenile Court in a community service work program which operates on Saturdays	Juvenile Court	•Lisa Marion •Jerome Davis •Joseph Harper	•\$14.00/hour •\$22.50/hour •\$28.00/hour	Supervision Fees collected by Juvenile Court

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve Items 14-A and 14-B. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

**XI. FIRST READINGS**

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

None.

=====

**XII. SECOND READINGS**

- NOTICE IS HEREBY GIVEN OF A HEARING BEFORE THE COMMISSIONERS OF CHATHAM COUNTY TO REZONE A PORTION OF SKIDAWAY ISLAND, PIN#'S 01-0263-02-006PT.; 007PT.; 01-0262-02-006, 007, 008, 018 THRU 036, FROM A PUD-B-N (PLANNED UNIT DEVELOPMENT-BUSINESS-NEIGHBORHOOD) ZONING CLASSIFICATION TO A PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) ZONING CLASSIFICATION. MPC FILE NO. Z-021220-38327-1. [DISTRICT 4.]**

Chairman Hair recognized Ms. Charlotte Moore.

Ms. Charlotte Moore said, this is again a rezoning from PUD-B-N to PUD-B-R. The B-N is Neighborhood-Business designation. The B-R is a Residential designation. This is a rezoning petition by the Chatham County Commission that came from the December 20<sup>th</sup> meeting. This resulted from the MPC addressing the PUD-B square footage standards, and based on that becomes taxed by the County Commission. We did some research regarding how this might affect different property owners within the PUD-B. Subsequently, we discovered there are approximately 21 properties within The Landings that are zoned PUD-B-N. As a result, these homes are nonconforming and, upon notification, one of the property owners within The Landings contacted MPC and requested that we move forward with the rezoning of these properties to a PUD-B-R district. I do have a map and I have some maps that might be helpful, aerial maps, to pass around if one of you -. The petition is fairly straightforward and I hoped that you might be able to see this. Basically, what the MPC is recommending is that these homes that are affected by the B-N district, that they be rezoned to B-R district, and that the southern boundary of the PUD-B-R be extended to the center line of the lagoon. I understand there's some concern by residents and they feel -, there are some who feel that the boundary of the PUD-B-R should be extended all the way down to commercial property located within the Village. We did express some concern, staff did, in the staff report, and that this might affect the three commercial properties within the Village. Right now one of those three properties is developed, the library. There is another property that does have an improved site plan and then there is one other undeveloped property. I am not aware that there is a site plan. If these properties -, if these zoning lines extended all the way south to commercial properties, there is some concern that the structure there might be nonconforming, the library would be. The approved site plan for the office building

that would be nonconforming as well. I understand that there's a 33-foot easement. Our research shows that 20 feet of that easement is what's on these three individual properties so there are no buildings that could be built within that easement. Again, we are recommending the PUD-R and that be extended down to the center line of the lagoon.

Chairman Hair said, to me this is a real simple issue. I think we should certainly follow MPC's lead on this. I think it should be the center line of the lagoon. It's going to cost the County a lot of money if we try to move that to the lot line, so I think --, I would urge my fellow Commissioners to support that. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, we've got a lot of the residents and I think The Landings Association and also their attorney are here today to speak on this. I don't know where it would cost the County money to extend that zoning to that whole lagoon. The issue that I've heard from the County Attorney right now is the buffer requirements that go in if you extend it, and if everybody is in agreement --, all the property owners are in agreement with that, including the commercial side of it --, then I really don't see a problem with it, but I'd like to hear from The Landings people first before we make any decision on it.

Chairman Hair said, well, I think we're going to hear from both side. I think both sides are here. Mr. Mahoney, you're representing The Landings, I believe, sir.

Mr. Tom Mahoney said, yes, Mr. Chairman. Mr. Chairman, Dr. Thomas, members of the Commission, I'm speaking on behalf of The Landings Association, which as you know is the property owners association for the subdivision. Our concern is --, lies with the fact that The Landings is totally zoned PUD-R, single-family residential. We have no commercial activity in The Landings within the boundary lines. Our concern is that if the line is drawn down the middle of the lagoon and part of that lagoon, which is all totally owned by the association as common property, becomes zoned as business, this may give --, may set a precedent, may give someone the opportunity to come in and say, well, I can establish a business within this PUD-R classification. We are fully aware of the requirement dealing with the 50-foot buffer where commercial meets residential, and obviously Mr. Lewis and his properties have a right to develop them in accordance with the zoning classification that it falls within. But we would respectfully request your consideration of having that line encompass all that is owned by the association in making that entire lagoon a part of the single-family residential classification. It would be consistent with the entire subdivision, it would prevent any intrusion of commercial, and then by some grandfather or by some variance that possibly the Commission could grant, Mr. Lewis' 50-foot buffer could be addressed. As has been pointed out by the MPC, there's already a 20-foot or a 25-foot easement area in there, so there's 20 feet already that can't be built upon, and I don't think from a practical standpoint you'd be taking anything away from the Lewis properties, but we do feel some genuine concern that from The Landings properties, if that line was down the middle of the lagoon, we potentially could be taking away some residential usage.

Chairman Hair said, Mr. Mahoney, I have a question. Would we not be taking the 30 feet, with the 20-foot easement line to the 50-foot required line. If you change this all the way to the line, we'd be taking 30 feet of property. Mr. Mahoney asked, of the Lewis property? Chairman Hair said, yes. Mr. Mahoney said, unless you agreed and all the owners --, excuse me, and all the parties agreed that that could be grandfathered in in some way or a variance from the 50-foot buffer, there would have to be some consideration given. Chairman Hair said, so that would be --, either that would have to be done or there would be a taking. You would agree with that? Mr. Mahoney said, I would agree with that, yes, sir. Chairman Hair said, okay. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, that was going to be my suggestion is to --, we can grant a variance or a grandfather clause in that to tie this up where it still goes --, takes in the whole lagoon with the commercial property there still will be able to build as they would right now.

Chairman Hair asked, what would happen though if they tried to sell that property? Would that variance carry to the new property owner? Commissioner Murray said, I think a variance --. Mr. Mahoney said, I think the variance --. Chairman Hair said, Mr. Lewis is here. Let's get the other side of this issue. He represents the commercial part of this. I can understand the waiver with him, but what if he wants to sell the property? It's still going to reduce the value of the property. Commissioner Murray said, I wouldn't have any problem with that. Chairman Hair recognized Mr. Lewis.

Mr. Curtis Lewis said, good morning, Mr. Chairman and Commissioners. My name is Curtis Lewis. I represent Lewis Broadcasting Corporation and J. C. Lewis Motor Company, the owners of this commercial property. Across the lagoon we certainly don't have any problem with the rezoning itself, but because of this 50-foot buffer restriction that this would impose on our property by the way that it was developed prior to this phase of The Landings across the lagoon there, and it was shown on a --, this is a 1996 master plan that Branigar had prepared and it actually shows some proposed buildings on what is now our property. I believe Mr. Bob Jefferson had submitted a previous site plan for a proposed building at one point in the past and then our companies bought the property from him subsequently, but basically I feel like I need to put the Commission on notice that, as I think Mr. Mahoney confirmed, that if the line is drawn right adjoining our property or on our property line, that that would be a taking under the Constitution of the United States, particularly Articles I and IV and Amendments 9, 10 and 14, and I need to put the Commissioners on notice that that's a serious consideration. Now if y'all want to come up with some sort of variance that's grandfathered into that, that might solve that problem and might be something we can talk about. This all just sort of came up within the last day or two as far as we were concerned although we had notice of the --, the proposed rezoning, but didn't realize the line was going to be drawn right --.

Chairman Hair said, Commissioner Murray, I think, has a question.

Commissioner Murray said, not really a question, a suggestion, and I wanted to do this as quickly as possible, but at the same time I would like to see us possibly table this until our next meeting and have Mr. Hart, yourself and Mr.

Mahoney get together and try to work out that easement part of it in there. If it can be worked out satisfactory, fine. If not, then we'll do whatever we have to do on it.

Chairman Hair asked, would the parties, Mr. Mahoney, would that cause you any heartburn if we delayed it to February 14<sup>th</sup>? Mr. Mahoney said, it would not cause the association, Mr. Chairman, any problem, but the residents, of course, are affected and have been affected. They are members of the association and the association itself strongly supports the rezoning, but I don't believe it would cause –, I can't speak for them individually, but I don't think it would cause any problem. Chairman Hair asked, Mr. Lewis, would you have any objection to February 14<sup>th</sup> delay to try to work out an agreement, or would that cause you any undue –? Mr. Lewis said, not a bit.

Commissioner Murray said, let me ask one more question because Mr. Hooper is the one that I've been talking with on the telephone and I'd like to hear his comments also if I could because we did talk about trying to move it as quickly as possible, but at the same time would two weeks affect it one way or the other?

Chairman Hair asked, would February 14<sup>th</sup> cause you any heartburn if we tried to work out an agreement? Mr. Hooper said, I'd ask, Commissioner Hair, I'd like to have the same opportunity the other gentleman had for –, to at least explain to you our position because it is somewhat different than The Landings and certainly different than the Lewises have presented, if that's all right.

Commissioner Odell asked, can you be part of the meeting? Mr. Hooper said, because there's some specifics here that I think, as you were kind of given a warning from the Lewises about some taking of property, there's some issues here that I think you should be aware of also that we've come across that we think are illegal also. Maybe not illegal, but border on is everything being done correctly. So, if I could, I'd like to explain those.

Chairman Hair said, sure. Would five or ten minutes be fine? Mr. Hooper said, yes. Chairman Hair said, sure.

Mr. Hooper said, I was the resident who did discover that we were zoned Business rather than Residential. In calling the MPC, they were as astonished as I was that that was the case. In fact, they found out that not only my property but 20 other residents were classified incorrectly as Business rather than Residential. That group of home owners in The Landings, including The Landings common area, amounted to about eight to ten acres of property and \$10,000,000 of property value, and we need a resolve to this. So, Mr. Murray was very helpful in helping to put this together, and basically what was suggested and we've been following is that the Commissioners would take it back to the MPC to recommend a zoning change, and that was done basically on the 7<sup>th</sup> of January. Then the MPC was to come to the Commissioners to have the first reading, and that was done on the 10<sup>th</sup>. And then we have the second reading, which is the 24<sup>th</sup>, and I must say that schedule has worked like clockwork. It's been perfect, but what has happened is the zoning connection part has gotten out of context and was done without full disclosure and it's flawed. And if you'll let me just explain to you what I'm talking about is that the problem is the MPC unilaterally decided to cut the lagoon in half without any input from any residents on The Landings. None of us were contacted about this, and I think that's contrary to protocol. I think they have an obligation to get the people involved before they go to the board or the MPC to get this approved. That was not done. Also, we got this notice from the MPC on the 26<sup>th</sup> of –, and I'll show you the notice –, on the 26<sup>th</sup> of December stating this program, showing two maps and showing –, and explaining what was going to be done. I'd have to say at this point that information was very flawed. It was not full disclosure information, and I'll explain what I'm talking about here. The two maps, one map showed just the residential –, I mean business, and it showed our area and up to the property line that The Landings Association owns, which was abutting the Lewises. They had superimposed our lots on it and showed that. Well, when we read these and looked at this, we just thought, well, that's fine, that's what they're going to now change, they're going to change all that because that's what they said they were going to do, to a residential area, and we were fine with that. But then came the meeting on 1-7-03, and I attended that meeting, and then this map superimposing the residences was up on the overhead screen and Mr. Wester got up and gave his presentation to the board, MPC board. Everything sounded fine, but they asked if there were any comments, and I just wanted to make sure that that map that was being shown truly delineated the line that would be residential, that that was the residential line and on the other side was commercial. When I asked that question, all of a sudden a third map comes up, which we did not see. And this is the third map which showed a lagoon cut in half. I argued quite strongly that this was not what we understood, I didn't think it was proper, I didn't think it was appropriate, and I thought that we were being put at a disadvantage as far as The Landings residents were concerned. There was a number on the MPC Board that said it has no affect on the owners, they're going to be fine, that it doesn't really have much weight. With that, my concern fell on deaf ears and it was passed by the MPC Board and, consequently, went to first reading and now we're here at the second reading. Between that reading today, I did call the MPC and asked them what was their logic of splitting that lagoon in half. I was told that the reasoning is that splitting the lagoon in half, Mr. Wester believed it would be –, to be fair to Mr. Lewis, that if the MPC put the residential abutting Mr. Lewis's property line, he would have to adhere to the ordinance of 25-foot parking and 50-foot building. His flexibility would be limited. I would suggest to you that his reasoning is somewhat flawed. Let me explain why. The Landings Association, the residents of The Landings, the MPC and the County, and I can't certainly speak for Mr. Lewis, but for sure those groups all felt for the last eight to ten years that the property line of The Landings and –, The Landings Association and Lewises abutted as shown on the maps, and we all thought that The Landings property was residential and the Lewis properties were business, so if Lewis was to build there, he would have had to comply with the ordinances anyways; in other words, the setbacks. Now here comes the MPC and they unilaterally decide to move that understood residential line to the middle of the lagoon so as to be fair with Mr. Lewis, but I would point I think it's very unfair to the residents. So the points that I would like to bring out, which was also stated, is that the covenants of The Landings Association does not allow it to own business property. The Landings owns property on the other side of the lagoon, as designated by the PIN numbers based on The Landings covenants. That property must be designated residential. Those PIN numbers must be used when determining changes between property owners of different zoning designations. In other words, when you've got someone who's residents and someone who's business, those changes must be designated by PIN numbers. To split the lagoon down the middle

without reference to PIN numbers is precedent setting, it's not supported by case law and, therefore, I question the legality of this maneuver. We, the 21 property owners, most of them –, many of them here today, plus you heard what The Landings Association requests, that represents about 7,000 people on The Landings property, that you move the residential zoning line that's now in the middle of the lagoon to the property line that abuts Mr. Lewis' property line. If it can be grandfathered, we've had meetings with Mr. Lewis and we've had some very good discussions, and we think that possibly we can resolve this matter, but you needed to know these other ramifications, and we have grave concern about them.

Chairman Hair said, thank you. We've got –, this is the order we're going in, Commissioner McMasters, Mr. Mell, Commissioner Kicklighter and myself and then Commissioner Murray. That's the order we're going to take. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. Jon Hart? County Attorney Hart said, yes, sir. Commissioner McMasters asked, how does the Board of Assessors value and tax public property? County Attorney Hart said, common property. There's two philosophical ways you can do it. You can either tax the common area as a separate entity and put a value for all of the common area on the separate entity, which then deflates the value of the residential lots attached to that common area. For example, if you have a lagoon lot, you would, therefore, value the lot as if it were not on a lagoon; you would value the lagoon as an amenity of tax value. That's one way of doing it. The way that has generally been followed in most of our planned communities is to take the general common area and say, gee, these are amenities and we give them a de minimus value as a common area, but then all the lots on the lagoon are then valued as a lot sitting on the lagoon, so you might add \$5,000 or \$7,000 for that lot being on the lagoon versus an interior lot. Commissioner McMasters asked, and the law gives us the flexibility to take either of those philosophies in our evaluation? County Attorney Hart said, you just need to be –, you just need to be consistent. Commissioner McMasters said, how about telling us how it's done here in this specific situation. County Attorney Hart said, I do not know on this. Commissioner McMasters said, okay. Well, I would just suggest –, I just learned the other day at the Board of Assessors that lakes are valued at a thousand dollars an acre. We've also had plenty of testimony here in other subjects relative to zoning classifications are somehow in some [inaudible] tied to the valuation of the property. So without –, in fairness to everyone, both sides of this, I really hoped and request that the Board of Assessors have some input relative to making this potential change as to what it might do to both parties in terms of taxability. County Attorney Hart said, well, I think if you split the lagoon in half, that would mean –, I don't know the legal –, I'll call it the Lewis portion of the thing because I don't know the legal entity that owns it, – would then in theory, if they're taxing it at a thousand dollars an acre, assuming you've got a one acre lake, they'd pick up \$500 of it and then The Landings Association would pick up the other \$500. Now that's an assumption on my part based on what I'm hearing you tell me. Commissioner McMasters said, well, since we don't know and we haven't looked to see how it's being treated specifically at the current time, I think that's kind of step one. Step two is all the permutations and relative impacts from their perspective in terms of valuation, which is key. We've had a lot of trouble with The Landings valuations recently, so I just suggest that that's a –. County Attorney Hart said, we've got a valuation issue and we've got a zoning issue. Commissioner McMasters said, well, zoning –, we have people come here all the time and say you're going to down-zone my property, you're going to up-zone my property, you're going to change –, in essence change the value of my property. So if that's true for one, surely it's true for another. So I think for the residents, as well as the Lewises, some thought has to be put into whether or not this is going to –, how it's going to impact them in terms of valuation.

Chairman Hair said, Commissioner McMasters, I agree with your concept. I don't think they should be parties necessarily to the negotiations. I think that has to be –, the value of your house is –. Commissioner McMasters said, [inaudible]. Chairman Hair said, well, I still don't think it should be part of the negotiations. I think the value differences certainly should be considered and would have to be considered in –, and it would cover what you're talking about. Commissioner McMasters asked, well, don't you think the County has an interest in terms of taxation as to where this may fall? Chairman Hair said, yes, but I think until you come to an agreement, you don't know what the taxing issues would be. You come to an agreement and then look at the tax implications of that agreement. Until you come to an agreement you don't know what the tax implication is going to be. Commissioner McMasters said, well, then –. Fine. Let's just consider the implication –, evaluation –. Chairman Hair said, yeah, I think it should be –. Commissioner McMasters said, – and taxation for all parties. Chairman Hair said, yes, I agree with that. Chairman Hair recognized Youth Commissioner Mell.

Youth Commissioner Mell asked, do all the residents feel –, do most of the residents feel the same way you feel? Chairman Hair said, I think most of them [unintelligible comments when several individuals spoke at one time.] Youth Commissioner Mell said, well, I was just saying that I wasn't –, if I lived on a lagoon, I wouldn't want anybody taking any of my –, you know. You know what I'm saying? I mean –.

Chairman Hair recognized Mr. Mahoney.

Mr. Mahoney said, Mr. Chairman and members of the Commission, these residences are not on the lagoon. I think that point needs to be made. They look out on the lagoon. There is property, I believe, that belongs to the association between the lagoon and their properties. Chairman Hair said, the association owns the 20 feet. Mr. Mahoney said, the association owns the entire lagoon also. Chairman Hair said, so the property doesn't go to the lagoon line. Mr. Mahoney said, that is correct. Chairman Hair asked, it goes to the 20-foot line? Mr. Mahoney said, right. That's the point I wanted to make. Chairman Hair said, I think that's a good point. I lived at The Landings 15 years and I know that was the way our easement –, my property line went to the easement line.

Youth Commissioner Mell said, but I just think if –, I mean, they're living on that land and I think if you live somewhere and you've lived there for a long time and then somebody took something –, part of your land –, I mean, not like it's

not like their land –, that they took part of your things you'd be pretty upset and you'd probably feel the same way these people feel, and I just –, I agree with these people, the residents.

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

Commissioner Kicklighter said, thank you, Mr. Chairman. First, I want to kind of clear it up that nobody is taking anybody's land. They're talking about a line for zoning. Youth Commissioner Mell said, not –, I know –. Commissioner Kicklighter said, like right now people live in an area that's commercial, they had no idea it was commercial, so nobody's land's going to be taken. Youth Commissioner Mell said, I know that. I was just saying –. Commissioner Kicklighter said, not even –. Youth Commissioner asked, but you know what I'm saying? Commissioner Kicklighter said, overall –. Youth Commissioner Mell asked, do you know what I'm getting at? Commissioner Kicklighter said, right. This probably has a pretty simple solution. They all seem pretty receptive to the idea of getting together and seeing if we can, you know, stop the line at the lake there. Is that something that can possibly happen, Jon [Hart]?

County Attorney Hart said, this is –. Chairman Hair said, I think we need to work –, I think you'd be right, but –. Commissioner Kicklighter asked, but legally can we do that and later can we safeguard Mr. Lewis with a –, grandfathering him in, and that away [sic] all the parties could be happy with this because all of them have their property rights. County Attorney Hart said, briefly I spoke with Mr. Mahoney and Mr. Lewis just right after this, and I'm looking at a master plan of The Village dated some time in '96 that plats those lots. I'm fairly familiar with that area because there's a library on that land, and the library was there before those –. Commissioner Murray said, just to make sure people understand, that's not a County owned and operated library. The Landings Association owns and operates that. County Attorney Hart said, not a County library, but a private library within The Village. Commissioner Rayno said, it's very nice. Commissioner Murray said, it is. County Attorney Hart said, and basically if you move –, the concerns of the MPC appear to be that if you take the zoning to the edge of the bank, then you've got a larger buffer setback plus the setback from the street, which makes the library a nonconforming use, which means it should have never been built there in the first place, although I don't think that was the intent to keep from building the library there, and it also eliminates or very severely limits the two or possibly three other lots –, the ability to build on those. I think from a practical standpoint, there's no question that all the people that have homes within that area need to get in an R-1 zoning classification, and that needs to be done, no questions asked. The other thing that could happen is if you move the lagoon totally into The Landings Association as an R-1, then the issue would become –, that would make all those lots have this big setback and limit the space. It would seem to me that the thing that –, and I spoke with Mr. Mahoney and Mr. Lewis about it –, is that the only way I know to deal with that is to make the commercial lots under that zoning classification with the setback and grant the developer, since he was there first and platted the lot first, a variance up to 30 feet, which would still have him in the original 20-foot setback that he contemplated. That would give The Landings residents all of the property rezoned, control of the lagoon would allow Mr. Lewis the zoning classification and plan that he had previously had approved, and the way those lots are configured, you know, you're not talking large-scale buildings there. Commissioner Kicklighter said, okay, well that –. County Attorney Hart said, but this Board –, but probably what we need to do, Mr. Lewis and Mr. Mahoney and I were talking about it, I don't think y'all could grant an outright variance. We would probably either have to go back to the Planning Commission with a direction that this Commission, if it deems it appropriate, to consider grandfathering that 30 feet, or ask the Zoning Board of Appeals to grant Mr. Lewis a variance. That would keep our zoning over there consistent, it would give the residents their property plus their lagoon, allow Mr. Lewis to develop his property within the original concept, but not expand the concept, and it would take the library out there out of a nonconforming use status.

Commissioner Kicklighter said, okay. Well, that seems to logically –. Chairman Hair said, I think we are getting there. I think –, I don't think we need to debate too much more today because I do think we need to get into negotiations. I think everybody is willing to negotiate and try to work this out to fair –. I just want to make two comments though and then Commissioner Murray and then –. Commissioner Kicklighter asked, can I just finish? Chairman Hair said, oh, I'm sorry. I apologize. Commissioner Kicklighter said, I just think that's the right thing. It protects the home owners because, you know, they were there and definitely need to be protected. It protects all parties with their investments, so I would like to just see everybody get together and work it out and come up with a solution.

Chairman Hair said, I have just two quick comments. First of all, it just astounds me that 23 closings can take place on 23 separate pieces of property and the closing attorney never realize that they're closing on a residential property on commercial zoning. I mean, how in the world –? If I were –, if I were one of these property owners, I'd be looking at my closing attorney because how in the world can a closing attorney –. Mr. Lewis said, I didn't close any of them. Mr. Mahoney said, I didn't either. Chairman Hair said, I mean, can close 23 properties separate –, I would assume they probably had separate closing attorneys –, and not know that you're closing residential property on a piece of commercial zoning. I don't understand that, and the final point is, and I think Dean [Kicklighter] alluded to it, and I can't remember which party alluded to it, but I do think that it is important to know, and this again would be part of the closing process, that, you know, if I bought that property on Sundew Road, you know, my attorney should have told me that I'm abutting, you know, abutting a property –, if you didn't tell me that, then that's really –, I think most of those can be worked out. Commissioner Murray and then I think we're ready to send it to negotiation. We'll have ample time for anybody to discuss it when we bring it back. I would assume all of you might want to come back or maybe you're satisfied with whatever agreement y'all come up with, but everybody will have ample time. I don't want to debate it too much more today because we won't know what the final solution is going to be. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Mr. Hooper –. Mr. Hooper said, I'd just like clarification. I want to make sure that as part of these negotiations we're involved with The Landings and their lawyers –. Commissioner Murray said, well, that's what I was getting ready to –, that's what I'm getting ready to address right now. I wanted to make sure –. Mr. Hooper said, that's very important that we have our representation with The Landings and –. Chairman Hair said, I think the property owners, The Landings Association represented by Mr. Mahoney, and Mr. Lewis –, would that be sufficient,

Commissioner Murray, or do you want anybody else in there? Commissioner Murray said, no, I don't think anybody else needs to be. I think Mr. Hooper or somebody from the residents, whoever is going to be their spokesperson, be included with the three attorneys we've just spoken about --, Mr. Mahoney, Mr. Lewis and Mr. Hart --, and based on what I'm hearing right now, I think it can all be resolved, but I think it's important that we do postpone for two weeks so we can resolve it so we don't come back with any small technicalities that are going to --. Chairman Hair said, it will be four weeks --, three weeks actually. Commissioner Murray said, well, three weeks, whenever we come back to our meeting. So, can all that be accomplished, Jon [Hart] in that time? County Attorney Hart said, yeah, we just need a meeting. I need a contact person --. Commissioner Murray said, now if you can get --, I know you know how to get in touch with Mr. Lewis and Mr. Mahoney. County Attorney Hart said, yeah, I just need a contact person for the associa--. Commissioner Murray said, Mr. Hooper can give --.

Chairman Hair asked, Mr. Hooper, will you leave your number with the County Attorney so that we can make sure we can get in touch and anybody else that wants to be --.

Commissioner Murray said, he'll leave his number and all that with you and y'all can go ahead and meet and then we'll know where we stand at our next meeting.

Chairman Hair said, I'll entertain a motion to table until February 14<sup>th</sup>. Commissioner Murray said, so moved. Commissioner Rivers said, second. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Gellatly was not present.] Chairman Hair said, the motion passes.

County Attorney Hart said, Mr. Chairman, I would like one clarification. Chairman Hair said, yes. County Attorney Hart said, Commissioner McMasters asked about the BOA taking into consideration value, and is that a direction for the BOA then to do what? Commissioner Murray said, I don't think they need to be included in that meeting, and I'll tell you why. I would like to find out though whether these 21 property owners have been taxed on a different zoning at a higher value or not. Chairman Hair said, okay. Commissioner Murray said, if it has, that's another situation we're going to have to address. Chairman Hair said, I think the direction of the Board was that they should be --. Jon [Hart] raised a good question.

Mr. Dick Myers said, I can clarify on the tax side of that issue that we have been taxed as residential property. Chairman Hair said, okay. Mr. Myers said, and I can also clarify for you that the tax base that they're currently using is the sales that took place in the calendar year previously with no regard whether the common area is taxed in another base or not by the association. So they only look at sales values to set values.

County Attorney Hart asked, would y'all like to have the BOA come to the next meeting and explain that? Chairman Hair said, yeah. Okay. Thank you. Commissioner Murray said, at our next meeting but not involved in the negotiations.

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

Commissioner Murray moved to table this item to February 14, 2003, to enable the parties involved to meet with the County Attorney for purposes of negotiation. Commissioners Rivers and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Gellatly was not present.]

=====

### **XIII. INFORMATION CALENDAR**

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

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

A written report was received as information.

=====

#### **2. LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED).**

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

A written report was received as information.

=====

#### **3. ROADS AND DRAINAGE REPORTS.**

**ACTION OF THE BOARD:**

Written reports were received as information.

=====

**4. STATUS OF SIGN CODE AMENDMENTS.**

**ACTION OF THE BOARD:**

A written report was received as information.

=====

**EXECUTIVE SESSION**

Upon motion being made by Commissioner Odell, seconded by Commissioner Thomas and unanimously approved, the Board recessed at 10:40 a.m., to go into Executive Session for the purpose of discussing litigation and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 11:02 a.m.

=====

**ITEMS FROM EXECUTIVE SESSION**

- 1. REQUEST FOR SETTLEMENT OF CHATHAM COUNTY, GA V. 0.083 ACRES OF LAND IN FEE, 107.25 LINEAR FEET OF ACCESS RIGHTS, 977 SQUARE FEET OF EASEMENT FOR CONSTRUCTION OF CURBS, TURBO-CLEAN, INC., ET AL, CIVIL ACTION NO. CV00-0780-MI, SUPERIOR COURT OF CHATHAM COUNTY, GEORGIA, TRUMAN PARKWAY, PHASE III, PROJECT NO. NH-171-1(14) (JON HART).**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve a total settlement in the amount of \$13,228.01 of Chatham County, GA. v. 0.083 Acres of Land in Fee, 107.25 Linear Feet of Access Rights, 977 Square Feet of Easement for Construction of Curbs, Turbo-Clean, Inc., Jim A. Sheffield, Jr., Estus Outdoor Advertising Company, Savannah Electric and Power Company, and Harriet K. Konter, Civil Action No. CV00-0780-MI, Superior Court of Chatham County, Georgia; Truman Parkway Phase III, Project No. NH-171-1(4), by payment of an additional \$4,108.01 into the Registry of the Superior Court. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Gellatly were not present.]

=====

- 2. SETTLEMENT OF CHATHAM COUNTY, GEORGIA V. 3.03 ACRES OF LAND, JEAN W. CRUMRINE, SHIPYARD PROPERTIES, INC., AND FIRST UNION NATIONAL BANK, CIVIL ACTION NO. CV02-0390-BA (JON HART).**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to approve total settlement in the amount of \$88,000 of Chatham County, Georgia v. 3.03 Acres of Land, Jean W. Crumrine, Shipyard Properties, Inc., and First Union National Bank, Civil Action No. CV02-0390-BA. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Gellatly were not present.]

=====

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

**ACTION OF THE BOARD:**

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

=====

**APPOINTMENTS**

- 1. **DEPARTMENT OF FAMILY AND CHILDREN SERVICES**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to appoint Larry Dane-Kellogg to the Advisory Board of the Department of Family and Children Services to replace Mrs. Jane Garrison, which term will expire June 30, 2007. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Gellatly were not present.]

=====

**ADJOURNMENT**

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 11:06 a.m.

=====

APPROVED: THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003

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

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