

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, FEBRUARY 28, 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, February 28, 2003.

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**II. INVOCATION**

Mr. Van Johnson gave the invocation.

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**III. PLEDGE OF ALLEGIANCE**

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

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**IV. ROLL CALL**

The Clerk called the roll.

PRESENT:	Dr. Billy B. Hair, Chairman Dr. Priscilla D. Thomas, Vice Chairman, District Eight Frank G. Murray, Chairman Pro Tem, District Four Jeffrey D. Rayno, District One John J. McMasters, District Three Harris Odell, Jr., District Five (arrived approximately 10:20 a.m.) David M. Gellatly, District Six B. Dean Kicklighter, District Seven
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ABSENT:	Joe Murray Rivers, District Two
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IN ATTENDANCE:	R. E. Abolt, County Manager R. Jonathan Hart, County Attorney Sybil E. Tillman, County Clerk
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**YOUTH COMMISSIONERS**

Chairman Hair welcomed the following Youth Commissioner who was in attendance: Amanda Newman, a Sophomore at Savannah Arts Academy, representing Chatham County 4-H Program.

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**ORDER OF BUSINESS**

Chairman Hair said, requests to make some minor changes in the agenda. We need to add a resolution on the School Board fee, Commissioner Kicklighter has requested adding one discussion item under holding a pre-agenda, and the other is delete Item #2 under Individual Action, which is the liquor license. The petition has requested —, he’s withdrawing his request actually based on the County Attorney, so I’d ask unanimous consent to approve those changes. [NOTE: No opposition to the changes was voiced by any of the Commissioners.] Chairman Hair said, okay, thank you.

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. PROCLAMATION FOR WILLIAM H. “BILL” WEST ON HIS RETIREMENT FROM JUVENILE COURT.**

Chairman Hair read the following proclamation into the record:

**WHEREAS**, employees who have provided dedicated services to citizens of Chatham County deserve to be commended, today we express our respect and appreciation for William H. West; and

**WHEREAS**, Mr. West began his career with the Chatham County Juvenile Court in 1971 as a detention child care aide and was promoted in 1978, to become a full-time probation officer where he has earned an outstanding reputation in the community and the respect of his management, co-workers, and the families he has served; and

**WHEREAS**, Mr. West was a facilitator of the Juvenile Court’s First Offenders program for 14 years, from 1989 to 2003, wherein he used the opportunity to instill and reinforce family and community values of honesty, faith, education, hard work, and personal responsibility, to prevent and combat delinquent recidivism; and

**WHEREAS**, Mr. West simultaneously worked in the evenings for the Department of Juvenile Justice for twenty-six years at the Chatham County Group Home from 1976-2002; and

**WHEREAS**, Mr. West has been the recipient of multiple awards within the juvenile justice system and in the community as an outstanding leader and role model who demonstrates the success that can be accomplished through dedication, reliability, hard work, and perseverance; and

**WHEREAS**, Mr. West was born in Jenkins County, GA, but grew up in Chatham County where he has lived all his life. He graduated from Savannah State College and served our country in the United States Air Force in the Vietnam War. Mr. West has been married 29 years to his wife, Shirley, and has two children, a son and a daughter: Irvin and Selena West. He is also an active member in the Dunham Tabernacle Baptist Church.

**NOW, THEREFORE**, I, Dr. Billy Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby salute and extend best wishes to:

**WILLIAM H. WEST**

otherwise affectionately known as “Granddaddy” or “Tig” to many of his friends and colleagues, upon his retirement and express sincere appreciation for nearly 32 years of dedicated service to hundreds of children and their families through the Juvenile Court. We further extend best wishes for a long, happy, healthy, and continually productive retirement.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this 28<sup>th</sup> day of February, 2003.

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Dr. Billy B. Hair, Chairman  
Chatham County Commission

**ATTEST:**

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Sybil E. Tillman, Clerk

Chairman Hair said, Mr. West, congratulations.

Mr. West said, yes, first of all, I would like to give thanks to God, family, friends and the Juvenile Court for giving me the opportunity to work here. I would just like to thank everybody, the Chatham County citizens, everybody. Thank you.

Judge John Beam said, can I just say in 30-second speech, parents would come to Juvenile Court and ask for Mr. West and they would say what law does my kid have to break in order to get Mr. West as his probation officer, and

this man, although his official case load might say 100 cases, he would actually work with kids who were not on probation, so his unofficial case load might be 115 because of parents who needed help with kids, the kids hadn't broken any law, but they were having difficulty and wanted someone to work with their children, and Mr. West on his own free time and as a volunteer would work with these kids extra. This is a County employee we can all be very proud of, a hard-working man, and I appreciate him so much and I thank you for honoring him today.

Chairman Hair said, thank you, Judge.

Commissioner Thomas said, Mr. Chairman. Chairman Hair recognized Commissioner Thomas. Commissioner Thomas said, I just want to say that I've already solicited him, you know, for the summer along with Judge Beam. They're going to do a mock court with the Summer Bonanza children in a workshop and we're looking, you know, forward to that. It's very exciting. It's a part of the [inaudible] thrust of that program. Thank you so very much for volunteering.

Mr. West said, thank you.

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## **2. AWARD PRESENTED TO CHATHAM COUNTY ENGINEERING DEPARTMENT FROM GEORGIA ENGINEERING ALLIANCE, INC.**

County Manager Abolt said, Chairman Hair, Dr. Thomas and gentlemen, this is a very special award. Let me explain a little bit about the history of it. As all of us know who have lived here for so long, we had a problem with a couple of eagles and their nesting habitat on Truman Parkway. It involved a great deal of work in the environmental assessment and impact statement. It was only after we were able to bring our own eagle —, you'll recall military rank, Colonels wear a full bird or an eagle —, well, our eagle took care of the other eagles in a positive way, and we're now being recognized for one of the most difficult, but yet outstanding environmental impact statements written by the State of Georgia.

Chairman Hair said, thank you, Mr. Abolt. I'll read the award:

State Award  
 Engineers Week 2003  
 Engineering Excellence  
 Presented by  
 Georgia Engineering Alliance  
 to  
 Chatham County Engineering Department  
 for  
 Truman Parkway EIS & Section 404 Permit  
 Savannah, Georgia  
 Engineering Services Provided by  
 Jordan, Jones & Goulding, Inc.  
 February 22, 2003.

County Engineer Bungard said, I was hoping he wouldn't bring up the eagle again. One of the happier days of my tenure here was to see this document approved and it was tough, but there's other agents getting through about a dozen federal laws and a couple, half a dozen federal agencies. It was tough. I'm still told that it's probably the most complex in the State of Georgia. That might be overcome by the one for the northern arc around Atlanta if it ever proceeds, but, you know, many thanks also to Al Black because he actually was involved in it before I got here, and it's a pretty comprehensive document, and so far it's —, that was what it took to get the first Truman Parkway underway also.

Commissioner Murray said, you know those eagles are now living at the end of Dancy Avenue. They've had a —, they've added to their flock now. County Engineer Bungard said, yes, sir, I've been out there. They're happily nested over somewhere in the Vernon River and I understand doing well.

Chairman Hair said, thank you, [Bungard]. Thank you very much.

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## **PROPOSED RESOLUTION FOR SCHOOL BOARD TAX COLLECTION FEE**

Chairman Hair said, we'll go ahead and deal with the proposed resolution and for the record I will read the resolution into the record:

**WHEREAS**, the Chatham County Board of Commissioners wishes the Chatham Legislative Delegation to know its position on the fee charged to the Board of Education for tax collection and related services;

**NOW, THEREFORE**, the Chatham County Board of Commissioners resolves:

That its preference is for the Delegation to leave this issue to be resolved between the Commissioners and the Board of Education based on current law as is done in most all of Georgia's other 159 counties; and

That if the Delegation feels that it must act on this issue, the Board of Commissioners and the School Board agree that a fee equal to 1.75% of taxes collected would represent an acceptable compromise figure for future years; and

That while the Commission, until this year, has undercharged the Board of Education for these services, the Commission will not seek payment from the Board of Education for those many years' underpayment.

Chairman Hair said, I'll entertain a motion to approve. Commissioner Kicklighter said, so moved. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair asked, discussion? Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, I will support this, but it still does not address the problem that we have, and I talked to several legislators since they've been in session and expressed my feelings on it, and if they want to put a percentage and use that as a cap, that's fine, but they need to define what we can use to arrive at our cost on what it costs us for these services rather than just say, well, it's all in the Tax Commissioner's office because it is not. This is a fair compromise and I'll support it, but it still just gives us a percentage and we're going to charge 1.75%, if that's what they approve, without knowing what our real costs really are, and I think that they need to come up with some formula that the counties can use to come up with our real cost of what it costs us for that service, and the legislators don't want to address the real issue.

Chairman Hair said, thank you, Commissioner Murray. All those in favor of the resolution vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.] Chairman Hair said, the motion passes unanimously.

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## **VI. CHAIRMAN'S ITEMS**

### **1. CASA FUNDING, SPLOST 2003-2008.**

Chairman Hair said, I would request —, respectfully request my fellow Commissioners to support us correcting something that actually fell through the cracks. In the original proposal for CASA was \$200,000 for their building and in some of the iterations it got cut to \$100,000. I corrected in my last iteration. The last one you received from me was \$200,000 and somehow when the staff used the previous one, it was \$100,000 instead of \$200,000. This represents a total of \$98,000 for CASA, which is the other half of their building, out of \$260,000,000, and I would hope that the Commissioners would support me in trying to correct this. It would add \$98,000 to CASA. That's what it does for the request. It changes it from \$98,000 to \$196,000, which completes their building.

Commissioner Kicklighter asked, can I state something? Chairman Hair said, certainly. Commissioner Kicklighter said, I know we had 26 or 27,000 left over in the actual funding that could go towards that and then I don't know what other, but we —, it can be done.

Chairman Hair said, I appreciate your support of this. I need a motion. Commissioner Thomas said, move for approval. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno, McMasters and Murray voted in opposition. The motion carried by a vote of four to three. [NOTE: Commissioners Rivers and Odell were not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Thomas moved that the 2003-2008 SPLOST allocation for CASA be changed from \$98,000 to \$196,000. Commissioner Kicklighter seconded the motion. Chairman Hair and Commissioners Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioners Rayno, McMasters and Murray voted in opposition. The motion carried by a vote of four to three. [NOTE: Commissioners Rivers and Odell were not present.]

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**2. LIFT THE EMPLOYMENT FREEZE ON THE POSITION OF FINANCE DIRECTOR, THUS ALLOWING THE COUNTY MANAGER TO PROCEED WITH SELECTION.**

Chairman Hair said, most of you are aware, particularly in the recent weeks, of a lot of correspondence going back and forth of some of the issues we have in the Finance Department. We've had the County Manager under a freeze and again I would ask my fellow Commissioners support us unfreezing that one position to allow the County Manager to proceed with filling that position.

Commissioner Murray said, I move for approval. Commissioner Kicklighter said, second. Chairman Hair asked, any discussion? We have a motion and a second to approve. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I would ask that the person who is put in this position is well aware of GASB 34 and its implications for a government, and also that this person is highly functional and aware of how to use software related to this particular area of expertise, and also that this person can deal with personnel matters when they arise during the course of their tenure in this particular office, and that I also request the County Commission have an opportunity to meet with this individual before they're hired.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, I agree with everything except the last. Unfortunately, it is my sole responsibility in the Code to make that decision. Once I make the selection I can certainly make that individual available.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters asked, Russ [Abolt], just what's the apprehension about us just meeting this individual? We're not trying to have any influence over who you hire. County Manager Abolt said, when I make the selection, that person will be introduced to you. It's my responsibility to make the choice. Commissioner McMasters said, I understand that. I'm not discounting that, but you don't want us to have any —, provide any assistance to you in —. County Manager Abolt said, no, sir. Commissioner McMasters said, okay. County Manager Abolt said, you can certainly make recommendations, as any citizen could. Everything Commissioner Rayno said up to that point is not only valid, but I agree with him, but there is a very special balance in the Enabling Act, and I have specific responsibility, or anyone in this position, to hire, fire, promote people. That is a responsibility that I alone bear and I must ensure that the integrity of the Enabling Act is protected. That does not mean that any member of this Board, particularly after I make known the finalists, would be free to comment or make recommendations to me as who you might want to, in effect, recommend to be considered, but as far as even implying that this Board would either make the final decision or as a Board influence me in my decision is against the Enabling Act. Commissioner McMasters asked, well, Mr. Abolt, does it —, anywhere in the Enabling Act does it specifically state that a cursory conversation with the applicants is prohibited? County Manager Abolt said, it implies it, sir. Commissioner McMasters asked, it implies it? County Manager Abolt said, it implies it, sir, yes. The responsibility is mine. Commissioner McMasters said, I understand that. We're not arguing that. Would you be willing to provide us with résumés of the finalists? County Manager Abolt said, when the finalists are given, I provide résumés to the news media and anybody who wants them. I'd be glad to provide it to the Board. Commissioner McMasters said, okay, thank you.

Chairman Hair said, okay, Commissioner Gellatly and then we're ready to vote.

Commissioner Gellatly said, Russ [Abolt], only as a recommendation, I'm sure you're going to be thinking this way anyway, but I would hope that the person that we —, you finally take a good hard cold look at has an experience in government similar to ours with the same type of physical financial problems or challenges that we've met and someone that has a measurable track record, someone that's solved similar problems.

Chairman Hair said, thank you. Any further questions? All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Murray moved that the employment freeze be lifted on the position of Finance Director to allow the County Manager to proceed with filling this position. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.]

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## **VII. COMMISSIONERS' ITEMS**

### **1. MR. GERALD SCHANTZ—CHATHAM COUNTY GUARDIAN ANGELS (COMMISSIONER MCMASTERS).**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. Gerald [Schantz], would you come up with Frank and Ramon. I've had the opportunity last week while walking downtown to encounter Mr. Schantz and these two Guardian Angels, Mr. Frank Lee and Ramon Quillian [phonetic] and introduce myself and was delighted to see them in the downtown area. I asked Gerald [Schantz] to come today and just give us a brief recap of the week that they've been in Chatham County, what they've encountered, the comments and what their progress and plans are.

Mr. Gerald Schantz said, thank you, Chairman Hair. Chairman Hair said, we appreciate you being here. Mr. Schantz said, thank you Chairman Hair. I appreciate y'all having us here. The response has been overwhelming. As some of y'all might have seen in yesterday's newspaper in the Vox Populi, one person wrote in and said, wow, great to see them, another person wrote in and said, great to see them but why are they only going to be downtown. Well, they're not only going to be downtown, but first let me give a brief history. The Guardian Angels started 24 years ago in New York City. As of right now, the State of New York has recognized them to teach a class that every school teacher must take. It's a two-hour class in classroom management. It's presented by St. John's University. So I would think if the State of New York thinks that highly of these gentlemen, they're doing some good.

Mr. Schantz said, I made a quick list last night so that people will realize that this is just not downtown Savannah. Everybody reads or knows people's cars have been broken into in cemeteries, people's automobiles have been broken into at soccer games, people have been attacked, their automobiles have been broken into at Lake Mayer. I am a native Savannahian, so I know these —, these problems. You've got events at the Civic Center, you have events at the Lucas Theater. That's where, if the community supports this, these people will be. They will be where they are invited. They are not vigilantes. They are citizens of this community. These gentlemen have come down to help form a local —, and that's the emphasis —, local chapter. This will work with the support of the local people. It will be local people that do everything. There is a three-month training period that Guardian Angels will come from all over the United States to help teach. The Jewish Community Center has graciously offered a space for that three-months training session. We are looking forward to finding a permanent home, a permanent phone number. So I thank you on behalf —, I am not a Guardian Angel. I'm a local citizen that invited them here, but hopefully everybody will help. We had a good turnout Wednesday night and I thank y'all very much for giving us a few moments to be here before y'all.

Commissioner McMasters said, one last comment, and that is I attended the meeting that you organized at Debi's Restaurant. Very well attended, over —, close to 100 people there. Mr. Schantz said, not to correct you, sir, but we counted over 125. Commissioner McMasters said, okay. Mr. Schantz said, it was standing room only. Commissioner McMasters said, excellent. Two final things. One, I mentioned to you earlier I contacted Alltel of Savannah and they are happy to provide your telecommunications needs for this project. I'll get with you and give you the contact name and number. Mr. Schantz said, thank you, sir. Commissioner McMasters said, the other thing is, is it —, would it be possible to ask Pete Nichols to perhaps provide some community information on Channel 16 about this? Chairman Hair said, sure. I think that would be very appropriate. Commissioner McMasters said, okay. We have a Communications Coordinator. His name is Pete Nichols. We'll ask that he will get with you. Russ [Abolt] will ensure that that happens, and we'll be able to put up a title slide on the continuous broadcast of Channel 16 to, you know, your satisfaction as to your recruiting efforts and needs and phone numbers once they are established.

Mr. Schantz said, well, thank you, and I just do want to say one more thing. They are trained in CPR, first-aid and personal self-defense. They carry no weapons and they are all volunteers and they do make themselves available for classroom discussions and any other way that they can be of service to the community. So thank y'all again for having us. Commissioner McMasters said, thank you.

Chairman Hair said, Mr. Schantz, I would like to offer my personal appreciate to you. I thank you for doing this. I'll call on Dr. Thomas and then David Gellatly. Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. I would just like to thank you for providing this opportunity for us this morning and to say to the young men that I have watched you over the years and have tried to keep up with what was going on, what you were doing in New York, and I think what you have been doing over the years certainly is commendable. I'm hoping that with the suggestion that you're bringing forth this morning to open it up for a local chapter I think is great. I'm hoping that it will be countywide and that when you have your meetings, so that people will understand that it's not just a particular area that you're focusing on, but you certainly want to make sure, John —, Mr. McMasters, that the entire community —, the entire community is aware of when the meetings are going to be held so that you can have neighborhood presidents from these various organizations that can join in and help get this ball rolling. That way we would have a countywide thing as opposed to just in a particular area.

Mr. Schantz said, absolutely. Yes, ma'am. These gentlemen go where they are invited. If there is a problem in a particular neighborhood, they'll be there. If they need to be patrolling at Tybee, on the Westside, Vernonburg, that's where they'll be. Unfortunately, at midnight on Saturday night the majority of the problem is compressed into one particular area, which is north of Park Avenue.

Commissioner Thomas said, I don't want to disagree with you either, but it's countywide and that's where you are focusing on, but the majority —, it's not the majority, okay. So that's the point I'm trying to get you to see. That's not just there. Mr. Schantz said, they will go where they are invited. Commissioner Thomas said, okay, so it's all over. Mr. Schantz said, it is a countywide —. Commissioner Thomas said, it will be effective if we package it. Mr. Schantz said, yes, ma'am. Commissioner Thomas said, okay. Mr. Schantz said, if it's known to us that there's a problem anywhere, that's where they will go. Commissioner Thomas said, thank you.

Chairman Hair said, thank you, Dr. Thomas. Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, I would just like to make a comment. I'm going to say some things that are going to sound quite negative, so I want to —, but before I say that I want to say what I feel is very positive. Number one, I'm well aware of the Guardian Angels and the reputation that they have, and they have an excellent reputation where they're well organized in certain cities, but I would point out that years ago the Guardian Angels came to Savannah. They appeared on all three television stations, they appeared on the front page of the newspaper, they appeared before the City Council, they appeared before this body, went back to New York, and that was the last we ever heard of them. Okay? I think that after saying that I'm well aware of this gentleman from years back and I think the challenges that are going to have to be met, you're not just going to all of a sudden poof have hundreds of Guardian Angels in Savannah, well funded, organized and doing all of these things, well trained and what have you. This is going to take an organized infrastructure, it's going to take money, it's going to take leadership, and it's going to require a sponsor, and if this isn't present, it's going to fizzle just like it did before. But after saying that, we didn't have you last time. So I just want to put the monkey right on your back.

Mr. Schantz said, I appreciate that, sir. I've always had animals my whole life. As soon as we —, Jane Fishman wrote this article. Coincidentally, she was going to be in New York at the same time as the 24<sup>th</sup> anniversary. My phone has not stopped ringing. People have made offers of help, money, whatever they could do. They want to make this happen. But it's not going to happen if the people don't step forward. So I'm going to put you on the top of my list to help me because you know a lot of people and you know the names and the contacts. I am just a citizen that is —, the only thing I'm a member of is a local community center and my synagogue. I'm not an organized person, I run a business, so I am hoping to count on other people to point me in the right direction.

Commissioner Gellatly said, I will be glad to offer any advice that I might be able to help you with. I would like to see this type of program succeed, but it's going to require the elements that I talked about before. Mr. Schantz said, it's the citizens that will make it happen. Chairman Hair said, thank you very much. Commissioner Gellatly said, or not happen. Mr. Schantz said, or not happen.

Chairman Hair said, thank you, Mr. Schantz, we appreciate y'all being here. Thank you very much. Mr. Schantz said, thank y'all very much for taking the time. Chairman Hair said, thank you, Commissioner McMasters. I want to personally thank you for putting that on the agenda. I think it was very good.

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## **2. PRE-AGENDA MEETINGS (COMMISSIONER KICKLIGHTER).**

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. My experience with, I guess, being Mayor and actually serving on the council in Garden City, we held pre-agenda sessions and we were able to kind of get the questions out before we got out here that, just really small questions, and I'll give you an example. Earlier like when Jeff [Rayno] asked the question to Russ [Abolt], that could have been done in a pre-agenda session and Jeff [Rayno] would have known the answer. It wouldn't have been done publicly and a pre-agenda session, in my opinion, just helps the operation run much smoother than what we've been experiencing. I mean, we've got just simple questions that if we could dedicate an hour before the meeting, say from 9:00 to 10:00 in the morning, if we could get through there, we could run through every item really quick, hash it out, and the questions that really need to be asked staff or from each other, it's done and it's not in an embarrassing situation. It's —, it would help us run in my opinion a lot smoother, and then the actual things, like everyone has a topic that you don't want to —, you want the public to have all the information, and when it's an item that needs to be explained, you can, you know, come out and you explain why you came to that conclusion or whatever and it would just in my opinion —, a pre-agenda session, I hear, was done in the past here. I know it worked well out there when I was Mayor in Garden City. It just irons out some of the —, some of the negative comments or whatever before you get out and then maybe, you know, just that little bit of communication beforehand would help us solve some problems because I really think a lot of our negative —, being negative towards each other is just lack of communication and not really as it appears. So I know Russ [Abolt] had his hand up and —.

Chairman Hair said, I'm sorry, I didn't want to cut you off. I'm —.

Commissioner McMasters asked, is that a motion? Commissioner Kicklighter said, I'm going to put it in the form of a motion.

Chairman Hair said, well, two points I'd like to make. First of all, I'm supportive of the concept. I think it has merit, but I think let's not believe that this is going to be a panacea for negative —, negative comments. I think that comes from the heart, you know, and I don't —, I think people that's going to make negative comments still are going to make

negative comments in public meeting. So I don't think it's going to solve that issue. So I think we need to be careful that we don't —. Commissioner Kicklighter said, oh, yeah. Chairman Hair said, — imply that it's going to solve that. But two things. First of all, you made one statement that kind of bothered me a little bit. I mean, it would be open to the public. It would have to be open to the public. Commissioner Kicklighter said, oh, yeah. Absolutely, absolutely. Chairman Hair said, it would not —, it would be absolutely no —, it would be totally open to the public. Commissioner Kicklighter said, the public's open —, yes, sir, absolutely. Chairman Hair said, but you said not discuss in public, which is —. Commissioner Kicklighter said, but, I mean, we would meet in the Green Room and have a nice discussion of the agenda before we get out here and it's open to the public.

Chairman Hair said, the second thing I would request that —, and as I said, I'm supportive of the concept. I would request though that we not take the motion today in respect for Commissioner Odell and Commissioner Rivers, who are not here. I think this is changing the whole Commission's mode of operation. I think as a courtesy to those two gentlemen that we put it on the next agenda, if you want to, as a motion when everybody's here. I would hate to see seven of us change a procedure that's going to affect all nine of us, and I don't think waiting two weeks for a vote is going to make a difference. Commissioner Kicklighter said, well, beings I'm trying to do this to get better relations, I'll take your suggestion and wait —. Chairman Hair said, I just think two weeks is not going to —, and as I said, we can put it under your section at the next meeting —. Commissioner Kicklighter said, that's fine. Chairman Hair said, — go ahead and put it on there, Russ [Abolt], make a note a note to put it under Commissioner Kicklighter's agenda item for the next meeting and hopefully Commissioner Rivers and Commissioner Odell will be here. I do think it's important to have all nine of us here to discuss this. Commissioner Murray and then Dr. Thomas.

Commissioner McMasters asked, I just wondered, what if only eight of us are here, are we going to postpone it again? Chairman Hair said, well, I think if it's on the agenda and they know it's going to be discussed, they can give us feedback. You know, even if they know they're going to be out, they can go ahead and express their opinion as opposed to doing it today. But I think that's a good question, but I don't think we could delay it forever, no. Commissioner McMasters said, okay. Chairman Hair said, but at least they would have the benefit of having seen it on the agenda and if they want to give written comments, they could do that, and some of the rest of us might be out then. Commissioner Murray and then Dr. Thomas.

Commissioner Murray said, yeah, I support the concept. We've done this in the past and what we did was we went in the Green Room, we had what we called a pre-meeting agenda. We went down that. It was more of an informal setting. Any items that were on that pre-meeting agenda that we decided and had five votes to move to the regular agenda, we did that from that agenda keeping in mind that all the general public and all the news media are still welcome in that room and the doors stay open for that process. It worked well. I think the only reason we decided to do what we're doing now is this page that we're on, Chairman's Items and Commissioners' Items, is basically the same thing only we're doing it in this room, which looks like it's part of our formal meeting, and if we have an item on there that we want to move to the agenda, we still have to go through that process, but I would support going back in the Green Room and doing it. I would ask if we do that though, rather than starting at 9:00, that possibly we start at 8:30 so it doesn't prolong things out here that much. Chairman Hair said, I totally agree. Commissioner Murray said, and we can cut it off at 9:30 at the latest, but I will support it.

Chairman Hair said, the other issue too is, you know, the Enabling Act is very clear, we can't take any votes in the pre-agenda session. You know, any votes taken would have to be taken in the open session. Commissioner Murray said, well, I think the only thing you can do is vote to move something onto the regular agenda. Chairman Hair said, I'm not even sure you can do that at the pre-agenda. Commissioner Murray said, we've done that. County Attorney Hart said, by consensus you can adopt —, put on the agenda, but, I mean, I think a formal vote you might be questioned on that. But indirectly you can probably achieve the same thing. Chairman Hair said, just come out at 9:00 or 9:30 and make a vote. That's the only difference. Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you. I'm in agreement with that concept to go back and I hope that we will really utilize that time to take care of certain questions of business at hand and it would be good if you have something that's earth shaking, that you make sure that the Chairman has that information in advance so that you can be prepared to have those questions answered because sometimes you ask questions and you need information and you've got to stop to get the information. So if you can do that, I think that would help to expedite the time as well.

Chairman Hair said, thank you, Dr. Thomas. My only other comment would be, I agree with Commissioner Murray, I think starting at 8:30 would be appropriate, not —, and also I would suggest in your motion initially that we start it out at 30 minutes and if we find out that doesn't work, let's expand it to an hour as opposed to starting at an hour. What we're going to wind up doing, I think, is sitting around waiting for the meeting to start. Start —, give 30 minutes initially from 8:30, keep the meeting at 9:00, and then if we find out it's not working at 30 minutes, all we've got to do is just take a simple vote and expand it to an hour. I just think I'd rather see it done that than an hour, but I think that 30 minutes is probably going to be enough.

Commissioner Kicklighter said, I agree to moving it to 8:30 for our relations to improve, but I want you to know my wife's going to probably be mad at me because I won't be able to take the kids to school. Chairman Hair said, there are sacrifices —. Commissioner Kicklighter said, for the sake of us having better a relationship —. Chairman Hair said, Commissioner Kicklighter, there are sacrifices to holding public office. Commissioner Kicklighter said, that's right, that's right. Chairman Hair said, that might be one of them. Commissioner Kicklighter said, we'll do it, we'll do it.

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

This item will be placed on the agenda at the next meeting under Commissioner Kicklighter's items for consideration by the Board.

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## VIII. TABLED/POSTPONED ITEMS

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

### 1. **ADOPTION OF 90-DAY MORATORIUM FOR SOUTHEAST CHATHAM COMMUNITY. At meeting of November 22, 2002, second reading was tabled to December 20, 2002. Was re-tabled at meeting of January 24, 2003.**

Commissioner McMasters said, Mr. Chairman, did we skip over Tabled/Reconsidered Items? Chairman Hair said, well, I thought —, there's no asterisk by that. I didn't think we were ready to do that. Are you ready to vote on the moratorium? Is that what you're saying? I mean, that's the only —, the moratorium issue. Commissioner McMasters said, it is and —. Chairman Hair said, if we're ready to vote on it, that's fine. Commissioner McMasters asked, well, are we going to hear —, can we push this back into today's meeting inasmuch as we're going to hear about some significant challenges going on at the MPC with the Southeast Land Plan? Chairman Hair said, I have no problem doing that. It's not —, it wasn't identified as being an action item to take it off. That's why I didn't address it. Now the motion is to adopt the moratorium, so the discussion should be around moratorium issues, either for adopt or not adopt the moratorium. That's what the motion is. Commissioner McMasters said, I understand. Chairman Hair said, okay. Commissioner McMasters asked, can we deal with it later in the meeting? Chairman Hair said, sure, without objection put it at the end. Okay, and remind me, Commissioner McMasters, and I'm sure you will. Commissioner McMasters said, I'd be happy to.

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Commissioner McMasters said, the Chairman agreed to put at the back of the agenda the tabled and reconsidered items. Commissioner Kicklighter said, we've got to vote on it though. Commissioner McMasters said, yeah. Well, don't I have to move to take it off? Chairman Pro Tem Murray said, yes. Commissioner McMasters said, okay, I'd like to move that we take the Item #1 under reconsidered items off. Commissioner Rayno said, second.

Commissioner Kicklighter said, discussion. Chairman Pro Tem Murray said, let's vote. Commissioner Kicklighter asked, don't we have discussion about removing it off the table or —. Commissioner McMasters asked, and do we vote first or do we discuss first? Commissioner Odell said, you discuss first. Commissioner McMasters said, okay. The Clerk said, you must take it off the table first. Chairman Pro Tem Murray said, it's got to be —, we can't discuss it until it comes off the table. Commissioners Rayno, McMasters, Murray and Gellatly voted in favor of the motion. Commissioners Odell and Kicklighter voted in opposition. The motion carried by a vote of four to two. [NOTE: Chairman Hair and Commissioners Rivers and Thomas were not present.] Chairman Pro Tem Murray said, okay, it's removed from the table. Go ahead.

Commissioner McMasters said, okay. Did you want to go?

Commissioner Kicklighter said, yeah. I just —, you know, I believe we had the discussion a minute ago with the MPC and I just, you know, I figured all questions were answered and didn't see the need in beating a dead horse. But that's —, it's off the table, so let's do it.

Commissioner McMasters said, in light of what's transpiring with the Southeast Land Plan and all the citizens that are affected by that and the contentious —, I hope it won't be contentious. I hope we've got a plan that the staff and the citizens have endorsed and I think that passage —, we've delayed passing this to allow him a time to come forward with the plan. Twice now the plan deadline has been passed and I think it's —, now is the time to go ahead and implement this so that our concerns, the citizens' interests are reinforced from this Commission. So I move that we adopt the 90-day moratorium for the Southeast Chatham footprint. Chairman Pro Tem Murray asked, do we have a second? Commissioner Rayno said, second. Chairman Pro Tem Murray asked, any discussion?

Commissioner Odell said, point of clarification. Jon [Hart], this wouldn't have to go through a first and second reading? County Attorney Hart said, we've done this in the form of an ordinance because if you do it first and second reading and the moratorium is challenged, it gives you a little bit of a leg up on the defense of the moratorium if you do it by first and second reading. You can technically adopt a resolution of a moratorium. It's probably not as —. Chairman Pro Tem Murray said, but this is the second reading and that's what was tabled. County Attorney Hart said, oh, okay. The second reading tabled? Chairman Pro Tem Murray said, the second reading was tabled. We went through a first and second recording and we tabled the second reading because —. County Attorney Hart said, you are correct. Chairman Pro Tem Murray said, — we were told that they were going to get the plan to us within a reasonable time.

County Attorney Hart said, you are correct. Chairman Pro Tem Murray said, so this is actually the second reading that is untabled right now.

Commissioner McMasters asked, may I ask —? Commissioner Kicklighter said, [inaudible] Chairman Pro Tem Murray said, go ahead. Commissioner Kicklighter said, I think we're close to having the land plan in place and I just, you know, I just don't think it's a good idea to pass this moratorium right now. That's all I'll say.

Commissioner McMasters said, thank you, Madam Chairman. Jon [Hart], can you answer the question that is if we adopt this and the Southeast Land Plan comes along in 30 days, can we by action dissolve the moratorium —? Commissioner Murray said, yes. County Attorney Hart said, yes, sir. Commissioner McMasters asked, — upon completion of the land plan? County Attorney Hart said, yes, sir. Commissioner McMasters said, okay, great. Commissioner Murray said, I would suggest that you make your motion to that effect. Commissioner McMasters said, yes. I'd like to amend my motion that we institute the second reading and the enactment of the moratorium until such time as the Southeast Land Plan is complete and approved and, as soon as it is, that this moratorium cease. Commissioner Murray said, not to exceed 90 days. Commissioner McMasters said, not to exceed 90 days. Commissioner Rayno said, I agree with that amendment.

Vice Chairman Thomas asked, any discussion?

Commissioner Odell said, just —, I'd like to hear from the MPC on this. Milton [Newton], do you have an opinion one way or the other? Mr. Newton said, the issue of a moratorium is a policy issue that would be up to you. Of course, you have weighed the, you know, the ramifications, which I'm sure you have been considering for quite some time now in your vote. As far as whether to enact a moratorium, I would not have a comment on that. Commissioner Odell said, you answered my question.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, if I understand this motion and this particular moratorium as we discussed it when it was first brought before the Commission, it mirrors the same one that was done in the Islands area until that land use plan was adopted, not to exceed the 90 days and all the other stuff that went with it, and so, therefore, I would not have a problem supporting this because we were given information that this would be taken care of before now, and it has not been, so —.

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters said, yes, I just want to say that the Southeast Land Plan is either going to live or die and we're going to know shortly. So this action merely provides impetus for the MPC to stick to its third time frame and bring us some definitive position on what has taken six years and countless hours of volunteer efforts to produce. So I think this a reasonable, prudent and certainly workable arrangement given the way this motion has been made.

Vice Chairman Thomas said, let me ask a question then. This cannot be accomplished other than providing the moratorium? Commissioner McMasters said, ma'am, I think the understanding here is that this moratorium will be ended as soon as the Southeast Land Plan is definitively resolved by both the MPC Commission and this Commission, and not to exceed 90 days. Vice Chairman Thomas said, okay. Any further discussion? Hearing none, please vote. Commissioners Rayno, McMasters and Murray voted in favor of the motion. Commissioners Odell, Gellatly, Kicklighter and Thomas voted in opposition. The motion failed by a vote of four to three. [NOTE: Chairman Hair and Commissioner Rivers were not present.] Vice Chairman Thomas said, okay, the motion fails.

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

1. Commissioner McMasters moved to untable this item and place it before the Commissioners for consideration. Commissioner Rayno seconded the motion. Commissioners Rayno, McMasters, Murray and Gellatly voted in favor of the motion. Commissioners Odell and Kicklighter voted in opposition. The motion carried by a vote of four to two. [NOTE: Chairman Hair and Commissioners Rivers and Thomas were not present.]
2. Commissioner McMasters moved to adopt on second reading a moratorium for Southeast Chatham until the Southeast Land Plan is definitively resolved by the MPC and the County Commission, but in no event shall the it exceed 90 days. Commissioner Rayno seconded the motion. Commissioners Rayno, McMasters and Murray voted in favor of the motion. Commissioners Odell, Gellatly, Kicklighter and Thomas voted in opposition. The motion failed by a vote of four to three. [NOTE: Chairman Hair and Commissioner Rivers were not present.]

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

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

1. **REQUEST BOARD APPROVE THE FOLLOWING: A SPECIAL SERVICE DISTRICT FUND BUDGET AMENDMENT TO APPROPRIATE \$12,000 FUND BALANCE RESERVED FOR RESTRICTED INSPECTION FEES TO THE DEPARTMENT OF BUILDING SAFETY & REGULATORY SERVICES FOR ROOF REPAIRS, A CONFISCATED FUNDS SPECIAL REVENUE FUND CONTINGENCY TRANSFER OF \$30,000 FOR POLICE DEPARTMENT VEHICLES, AND A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$132,230 TO THE BOARD OF ELECTIONS FOR THE SPLOST SPECIAL ELECTION.**

Chairman Hair said, I'll entertain a motion to approve. Commissioner Thomas said, move for approval. Chairman Hair asked, second? Do we have a second? Commissioner Kicklighter said, second. Chairman Hair said, okay. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Russ [Abolt], my question on this is the fact it might be better addressed to the County Attorney. We're still in litigation with the Homebuilders Association —. County Attorney said, correct. Commissioner Murray said, and some of these funds that we are getting ready to approve to spend are out of that fund that came in on where the lawsuit stands right now, is that correct? County Attorney Hart said, correct. Part of that, but this —, this roof repair, my understanding is the roof that's over —, actually is over the Regulatory Services. Commissioner Murray said, I'm not questioning whether the money is being spent right or not. I'm saying can we spend this money if it's still in litigation? County Attorney Hart said, yes, sir. I mean, we have a right to at the very least spend the money it takes to run that department out of those funds, and those funds under our budget system, as opposed to many other counties, keeps those funds segregated from the rest of the budget. Commissioner Murray said, I just don't want to see us getting into something like Vidalia right now.

Chairman Hair said, thank you, Commissioner Murray. All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.] Chairman Hair said, the motion passes.

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

Commissioner Thomas moved to approve the following: A Special Service District Fund budget amendment to appropriate \$12,000 fund balance reserved for restricted inspection fees to the Department of Building Safety & Regulatory Services for roof repairs, a Confiscated Funds Special Revenue Fund contingency transfer of \$30,000 for Police Department vehicles, and a General Fund M&O contingency transfer of \$132,230 to the Board of Elections for the SPLOST special election. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.]

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2. **SHOW CAUSE HEARING FOR CONSIDERATION OF DISAPPROVAL FOR RENEWAL OF ALCOHOLIC BEVERAGE APPLICATIONS FOR BOTH RETAIL SALES AND POURING OF BEER AND WINE LICENSES AT DAVID'S DISCOUNT BEER, LOCATED AT 10-D QUACCO ROAD AND PAPA DAVE'S PIZZA, LOCATED AT 10-B QUACCO ROAD, RESPECTIVELY. [DISTRICT 7.]**  
**NOTE: Petitioner's attorney advised the County Attorney on 2/26/03 that the Show Cause Hearing is not needed. His letter states, "Ms. Singh will not attempt to renew the licenses and will thus allow them to expire."**

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

This item was removed from the agenda by petitioner's attorney.

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3. **BOARD CONSIDERATION OF A REVISION THAT WOULD REMOVE REFERENCE TO THE ARBITRATION PROCEDURE OF THE PREVIOUSLY-APPROVED *INMATE SERVICE FEE AGREEMENT* WITH EACH MUNICIPALITY FOR PAYMENT TO CHATHAM COUNTY FOR HOUSING OF THE CITIES' INMATES AT THE DETENTION CENTER.**

Chairman Hair asked, Sheriff, are you going to make that —?

Sheriff St. Lawrence said, I'm not going to really make anything. We submitted it, as you requested, with arbitration as a, you know, as final thing, and it wasn't accepted by —, I know the City of Savannah didn't accept it or wouldn't accept it, and that's why we're bringing it back to you. It's your pleasure. I don't have a problem with arbitration myself.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I have a feeling that the reason the City doesn't want to go to arbitration is because they have a history of not paying the bill. We had bills back to the 90's that they hadn't paid, and I feel like if we don't have that arbitration, what they're going to do is want to go to court or just delay it forever like they did before, just hope it disappears, and there's nothing wrong with binding arbitration. Sheriff St. Lawrence said, well, I don't think there is either and it would serve as —, instead of keeping or keep arguing about a particular bill, just submit it to arbitration and let them make the decision. But Mr. Monahan is more familiar with this than I am, but I know it came back and I —, my thoughts were, well, we have to go back to the Board because they wanted arbitration in there.

Chairman Hair said, okay, I'm going to make a brief comment and then Commissioner McMasters and then Commissioner Murray and then Mr. Monahan, if you'd like to make any comments, feel free to do so. I'm in support, Commissioner Rayno, of binding arbitration, but I think we have to be realistic about this. You can't arbitrate with somebody who refuses to arbitrate with you. So we could insist upon it, but I don't know that we could ever make it happen without the City's agreeing to it. But I agree with you that we should —, should try to insist upon binding arbitration because I think it does solve a lot of issues.

Commissioner Rayno said, I think the courts will find in our favor and I think we'll look like we want to mediate before going to court, which would put us in a better position if that happens, and I think we should move forward with it regardless of what they say.

Chairman Hair said, maybe we could, after discussion takes place, if we want to make a motion to insist upon arbitration and then go from there. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, well, I think that's a good recommendation that we stick to what the leadership of this Board established as a priority inasmuch as the history was so contentious and the County's struggle with tracking receivables —, I think I'll speak briefly for Commissioner Odell, who was very much in support of trying to get this resolved so that we don't spend a lot of taxpayer money six months, twelve months, eighteen months, thirty-six months, forty-eight months down the road trying to sort out and then write off the revenue that's due us. So I would just urge this Board to stick with its consensus and put this ball back into the City's court and take it from there. Now if staff has any other recommendations upon how to —, I'm not real happy that this staff statement is that the only alternative is an impasse. Surely you must have some other recommendation.

Mr. Pat Monahan said, if the City of Savannah opts not to sign the agreement, then the County does not start collecting on the billings. Commissioner McMasters said, that's fine and would we then begin to bill the City at \$45 or \$6 a day? Mr. Monahan said, we would have no —, we would have no basis to do that. Commissioner McMasters asked, you wouldn't have the whole history of prior —. Mr. Monahan said, but there's no agreement. The problem is it gets down to just the basics of the parties agreeing to an agreement up front and we're not at that position yet. Commissioner McMasters asked, doesn't the State Constitution say that we must take municipal prisoners —. Mr. Monahan said, yes, it does. Commissioner McMasters asked, — and does it not say that we have the right to bill back? Mr. Monahan said, no, it doesn't. Commissioner McMasters said, it does, Pat [Monahan]. Mr. Monahan said, I think the County Attorney could —. Commissioner McMasters said, the County Attorney has provided this previously and I'm familiar with it. Mr. Monahan said, that the County Commission has a right, but by a —, but the terms of that was to settle it in an agreement, and the problem is we can't get to an agreement.

County Attorney said, you know, as an alternative, one of the problems here is that the City —, it's not a problem, but it's the opinion of the City Attorney and he questions whether a municipal government can enter into an agreement of arbitration. I was asked that question, I don't know, several months ago back in late December, and we came in here and said, look, there's one case that clearly struck down arbitration provisions for a county and there's another case that's upheld it, and trying to tell the difference between the two cases, you really can't see a lot of distinctions there. Commissioner Rayno a minute ago in his discussion said I want an arbitration provision and then in the sentence said, you know, or medi—, he used the word mediation, and mediation is an alternative to arbitration. Now the only difference between mediation is that a mediation requires that the parties sit down, discuss the issue and try to reach a resolution or agreement of the factor [sic], and if they can't agree, they reserve their rights to go to court. And clearly there's no question that this Commission and the City of Savannah could enter in and put a medication provision within this document. Now whether that meets the wishes of this Commission is clearly a policy decision, but I offer that only as an alternative thought.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you. Jon [Hart], do you want to comment though about whether or not the State Constitution says that we can bill back for our costs? County Attorney Hart said, well, what we would end up having to do is to do something very similar to what we were trying to do with the State, which we're going to talk about a little bit later in Executive Session, of trying to go after them under an implied promise to pay if they accept the services of that. And, you know, there would be a lot of arguments on both sides that would be raised, and probably you wouldn't know where you were until you finally got a decision. Commissioner McMasters said, I appreciate that. You're talking about collection after the services has been rendered. Does the State Constitution say that counties have the right to bill back for municipal prisoners? County Attorney Hart said, I don't think it says that in those terms, but I think we'd have to —. Commissioner McMasters said, well, in other terms does it not imply that that relationship is [inaudible]? County Attorney Hart said, you could certainly make that argument, but whether you're going to be successful on that, you know —. Commissioner McMasters said, I understand the probability factor. County Attorney Hart said, that would be your —, that would certainly be the County's position. I mean, they would want to be paid. Certainly. Commissioner McMasters said, I hope so.

Chairman Hair said, I would —, I think the County Attorney —, we may want to consider, you know, mediation at first and see how it works, and if it doesn't work, we can always come back later. Commissioner McMasters said, well, I'd like to —, I'd like to stick to what the majority of this Board, and a big majority —, I think almost unanimously —, agreed was the best way to sort out future jail cost disputes, if that fails, then we can discuss mediation. Chairman Hair said, I think —, I'm in agreement with you, Commissioner McMasters. I think if we insist upon it, but I think we have to be realistic, if we insist upon it and they refuse it, then we're going to get again in a costly litigation. I think at that point that we might want to come back as an alternative to that. Commissioner McMasters said, well, we won't know —, won't know until we ask. Chairman Hair said, I agree and I will support the motion for arbitration. I mean, I'm still in agreement totally with the concept. Chairman Hair recognized Commissioner Murray.

Commissioner Murray asked, why is this now just coming up when we went through all the negotiations and all the processes? I agree with the Sheriff too, it makes it much simpler for he and his staff if there's a dispute on this to just send it over to arbitration. That is what this Commission and again I don't remember what the vote was, but if it was not unanimous, it was close to being unanimous to do it that way. I just feel like that it needs to stay in.

Chairman Hair said, I think —. Mr. Monahan said, to just let the Commission know, the way the agreement currently reads, the agreement that this Commission adopted and sent to all the municipalities, it provides for a dispute procedure that includes first the staffs working it out, and I think that helps the fact the Sheriff has appointed two people and we've met with those people, and they've got a far better understanding of the situation. They came up with more conditions than I could ever imagine, but once it goes beyond the staffs, let's say it can't be resolved, then it doesn't move up the entire building. Let's say we send it over —, the Sheriff sends over a roster of 100 names, they agree with 95 of those and they'll send those 95 back and we'll start proceeding with the payment for 95 inmates. Those 5 inmates that come under dispute, we then go —, if we can't get it resolved through the staffs —, then go to mediation. That provision is currently in the agreement that the Commission proposed and that the other municipalities will accept. So we do have some provision in there to try to work this court. Of course, mediation, is a formal session, both parties sit down, but as the Attorney pointed out, it is non-binding. Under the agreement then it would move to arbitration and with the City of Savannah, the City Attorney's questioning, as the County Attorney said, that yes there's case law that supports it, but there's case law that says no, it is not lawful in the State of Georgia.

Chairman Hair said, this is the same argument the School Board is making on arbitration. The School Board's attorney has made that exact same argument that the bodies cannot enter into arbitration, which I as a non-attorney disagree with, but our attorney also agrees with that as well. But that's the same argument that the School Board attorney is using as well, the City of Savannah is using. I'll call on Commissioner McMasters for a motion. Oh, I'm sorry.

Commissioner Murray said, all the disputes came up during the negotiations with LOST from the City of Savannah and all the municipalities questioning everything that we billed them to begin with. That's why all this was put in there, and I think the Sheriff had his people go through the numbers I don't know how many times to come back and certify that the numbers were right. I just can't understand why they wouldn't agree to do something like that.

Chairman Hair said, Commissioner McMasters and then Commissioner Rayno.

Commissioner McMasters said, I'd like to know from staff in the current manifestation of the agreement if we go to mediation and the mediation goes to the City of Savannah, who pays for the cost of the mediation? Is it split or does —? Mr. Monahan said, both parties pay jointly. Commissioner McMasters asked, regardless of the outcome? Is that true also in the arbitration scenario? County Attorney Hart said, generally speaking, yes. Commissioner McMasters said, so it's an even split regardless of outcome. Okay. Last comment. I find it odd that relative to the SPLOST agreement that we can —, the legal opinion is that we can enter into a binding agreement not just for five years, but for ten years, well beyond the scope of this Commission, and essentially encumber future representatives with an agreement for a decade, yet we can't solve a simple thing like arbitration in the here and now. County Attorney Hart asked, is that a question or a statement? Commissioner McMasters said, that's both. County Attorney Hart said, okay. Commissioner McMasters asked, do you have a comment? County Attorney Hart said, yes. The law is very clear. It provides for an intergovernmental agreement under the State Constitution up to —, I can't remember —, 40 or 50 years. Mr. Monahan said, 50. County Attorney Hart said, 50 years that a municipality and government can enter into an intergovernmental agreement under the Constitution. The issue of whether you can enter into an arbitration provision is a separate constitutional issue as to whether an arbitration provision constitutes an unlawful delegation of authority from this body into a third party, i.e., the arbitrator, which constitutes a legislative function, and those are two separate and distinct issues. Now, there's one case out of MARTA where they tried to enter into an arbitration provision and the courts came down and said MARTA, as a creature of statute, does not have an express authority to do —, enter into an intergovernmental agreement —, enter into an arbitration provision and struck it down. Then there's a paving case from one of the counties where they came back and said, well, a county can enter into an arbitration provision for construction, and the law could be argued both ways. That's basically the distinction between the two.

Commissioner McMasters said, I find that odd personally. County Attorney Hart said, sure, I understand. Yeah, I can understand that. Commissioner McMasters said, okay, another thing is would you go into the file and send me a copy of the Constitution as it relates to inmate responsibilities between the municipalities and the county. I'd like to see that again. County Attorney Hart said, sure. Commissioner McMasters said, thank you.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you. Since the jail costs were a key component of the LOST negotiations, should the City decide not to pay at some point in the future, would that not be considered a breach of the contract or agreement between the County and the City in the LOST negotiations? County Attorney Hart said, that's one of those

questions I'd want to sit down and really spend some time thinking about. I understand where you're coming from there, but you'd have to go back and look at all the LOST provisions and the constitutional provisions and try to see where that takes you. Doing it here just on the fly is a pretty difficult thing to do. I'd be glad to look into it though? Commissioner Rayno said, I don't know how the motion's going to fly, but I'd just like to make a motion that we continue to leave the concept of binding arbitration in the agreement between the County and the City. Chairman Hair asked, does that motion have a second? Commissioner McMasters said, second.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter asked, can we get an opinion —, and I don't even know if they do this —, from the —?

Sheriff St. Lawrence asked, may I say one more thing? You know, the final agreement that came forth —, forward didn't have binding arbitration in it, and I think Commissioner Rayno made the decision —, made the motion to add arbitration to it. We don't have any problem with the mediation aspect or trying it, you know, so I'm just telling you where we're coming from. We prepare all the bills, are ready to back them up. We send them to Finance and Finance bills them, and if there's a dispute about it, then we'll get back involved with Finance staff and the City staff or whoever it may be and try to resolve it, but —. Commissioner McMasters asked, Sheriff —?

Commissioner Kicklighter asked, can I finish my questioning? So binding arbitration was not a —, original —? Chairman Hair said, no. Sheriff St. Lawrence said, not on the agreement that came before you, but it was added in there. County Attorney Hart said, y'all added it. Commissioner Rayno made the motion that you add arbitration to it. Commissioner Kicklighter asked, can the Attorney —, does the Attorney General render opinions on stuff like this whether —, I mean to clear it up or —? County Attorney Hart said, we could ask. You know, you could get the City to write an opinion saying —, you know, the City Attorney write an opinion saying why he thinks it isn't lawful and I could write an opinion that says why it's lawful, and the Attorney General could or could not choose to give an opinion on that. Commissioner Kicklighter asked, can we also possibly send a letter from this Board asking the State Legislators and all to clear it up and make the law clear whether or not municipalities can?

Chairman Hair said, we certainly could ask that. I agree with Commissioner Murray, the chance of getting it is very slim, but we could certainly ask for it. I don't think we can get it, but if that's the wish of this Board, we could do that. I have a few final comments and then I think we're ready. We already have —, do we have a motion and a second on the floor? Commissioner Rayno said, yes. The Clerk said, yes. Chairman Hair said, okay, to approve it, that's right, we do. Two comments. One, I'm going to support the motion because I believe in the concept, but I do think though, I will add two caveats to it. I will also be the first to come back a month from now or six weeks from now if that fails and try to work out something other than arbitration. I don't think we can insist upon something forever that the other party is not going to agree to, so I'm going to support the motion. The second thing though is, I think it would be helpful —, I'm not so sure that we're making a mountain out of a molehill here. I'm not so sure, as Mr. Monahan said —, I mean, if this only involves one percent of the cases, you know, then that's a different issue than involving forty percent of the cases. So, I don't want us to waste a lot of time and effort, you know, forcing something that's going to get us in either not paying bills or a legal action that's going to cost us money if we're talking about, you know, 10, 12, \$15,000 versus if we're talking about \$300,000 or \$400,000. So I think it's important that we put it in perspective, and I'm not sure —, I don't think we're going to have that many disputes, and so I think we need to look at that. But again, I will support this motion for now, but I'll also support a motion to take it out in the future if it's causing, you know, difficulties.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, I'd just like to point out the significance of this and not diminish it. The approximate jail cost is \$45 or \$48 a day, is that our cost? Sheriff St. Lawrence said, it's about 44 and some change right now. Commissioner McMasters said, okay, 44 and change. Sheriff St. Lawrence said, and we base that on the previous year's budget, what the total budget was —. Commissioner McMasters said, sure. Sheriff St. Lawrence said, and what it cost for everything. Commissioner McMasters said, I think you did a great job of breaking that out in the LOST negotiations. How much did we —, in the 10-year LOST agreement, how much did we agree to take in exchange for prisoner cost per day? Sheriff St. Lawrence said, \$30 for the first five years, I believe it was, and it's up to a total of 28 days. Commissioner McMasters said, okay, so we're subsidizing —, every contested prisoner, we're subsidizing \$14 a day, is that correct? Sheriff St. Lawrence said, yes, sir. Commissioner McMasters said, I think the math works out that way. Sheriff St. Lawrence said, I think on actual cost —. Chairman Hair said, but [inaudible] subsidize the full \$30. Sheriff St. Lawrence said, but that was the agreement, but the actual cost is \$44. Commissioner McMasters said, well, that just makes my point that much more. Chairman Hair said, but I think we need a —. Commissioner Kicklighter said, I think we all agree, John [McMasters]. Commissioner McMasters said, okay. Chairman Hair said, we do, we agree. Sheriff St. Lawrence said, the only other thing I might add —. Commissioner McMasters said, [inaudible] does not amount to a lot of money. Chairman Hair said, we don't know. You don't know and I don't know. That's what I'm saying, let's find out what it amounts to. Commissioner Kicklighter said, we agree with you, John [McMasters].

Sheriff St. Lawrence said, the only other thing I would mention, and this would be for the County Attorney, if we get into a dispute about the arbitration factor, is that going to hold up? We're talking about a considerable amount of money each month, and they're supposed to pay those bills 15 days after they receive them, so —. Chairman Hair said, that was exactly my point, Mr. Sheriff. That was exactly my point. We can't insist upon something —.

Mr. Monahan said, let me say where we are though. Here's our problem. We're depending upon the inmate revenues to assist with some of the cash flow issues that this Board is well familiar with. If we can send the bills out, if we get

the agreements done and send the bills out, then that cash starts coming in in March. If we're aren't back here next month or we go through an Attorney General's opinion, an unofficial opinion can take three to six months, an official opinion can take up to a year, meanwhile we don't have an agreement and they're not paying anything. We'll get it all back at some point because we've dated the agreement January 1<sup>st</sup>, but the immediate issue is this cash flow, and I understand there's a long term issue in relation between the two governments over this agreement, but there's an immediate issue as well.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, call for the question. Chairman Hair said, All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.] Chairman Hair said, the motion passes.

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

Commissioner Rayno moved to leave the concept of binding arbitration in the "Inmate Service Fee Agreement" with each municipality for payment to Chatham County for housing of the Cities' inmates at the Detention Center. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.]

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#### **4. STATUS REPORT ON THE POLICE MERGER PROPOSAL STUDY AND TO SET A DATE FOR A JOINT CITY COUNCIL/BOARD OF COMMISSIONERS MEETING TO DISCUSS THE POLICE MERGER.**

Chairman Hair said, I would ask that we do this some time in late March or early April, if that's the wishes of the Board. Commissioner Rayno asked, is March 20<sup>th</sup> okay? That was one proposed date. Chairman Hair asked, what day is that? Commissioner Rayno said, that's a Thursday. Chairman Hair asked, does March 20<sup>th</sup> sound okay with all of —. Commissioner Rayno said, it's in conjunction with the City's meeting. We would actually go to their chambers. County Manager Abolt said, if I may, yes. You have your choice, Mr. Chairman and members of the Board. As Commissioner Rayno has said, we would like to do it at either a meeting of this body or the City Council so that, in effect, we would have the properly setting —, proper setting for all of this. Your two choices in March would be either the 20<sup>th</sup> of March, which is a City Council day, or the 28<sup>th</sup> of March, which is a County Commission day. I am asking, and I think each of you understand as well as anyone, why I'm pushing for this. I want to bring this to you in one form or the other at your first meeting in April for what amounts to an up or down vote, and the urgency of it is dictated by my requirement to have a Chief of Police in the event that this does not go through and obviously Chief Sprague will be retiring. Chairman Hair asked, has this —, has the City already agreed to this meeting? County Manager Abolt said, yes, sir. Staff, yes, sir.

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, I have a question. This Commission has already passed a resolution that we're in favor of this merger. Why do we need a joint meeting? Why can't the Council either vote for it or against it? County Manager Abolt said, if I may, and I'm not trying to say this in a way that is demeaning towards the other side of our agreement. We have been very circumspect to make sure all members of this Board are aware of the options. You have been very forthright with us as to the specificity of changes. We have made those changes. I want to be able to guarantee as you go into any setting that your counterparts, the City Councilmen, have the same opportunity. We have prepared an intergovernmental agreement, I think now in it's 11<sup>th</sup> or 12<sup>th</sup> version, that addresses everything that we have heard you say wherein there's some expression of majority on this Board. That has not happened yet on the City Council. I am pushing for some formal setting to, in effect, recreate, if you will, what happened two weeks ago on SPLOST. I think it's all fair to say that had not the presence of the elected leadership in this community been in this room, we might still be concerned about the decision on SPLOST. I am trying to not create an in-game situation, but I'm trying to create a setting at an official meeting where specific questions may be asked and answered and then the following meeting of this Board you can vote on it.

Commissioner Gellatly said, Russ [Abolt], I agree with what you're saying, but there's no point in us going through all these questions and answers if the City Council is not prepared to pass a resolution pending further questions that they might have. I mean, why go on with this if they're not going to —? Let's —, we've taken a stand, we've stated what our position is, and what —, I would ask the City Council to do the same thing, and they may still have some questions, but if they're not going to vote for it anyway, we shouldn't go through this exercise.

Chairman Hair said, I totally agree with Commissioner Gellatly. I think if there's going to be a meeting, that's wonderful, but if we're just going to go down there and waste everybody's time —, and I totally agree with Commissioner Gellatly. If we don't see —, I will support this March 20<sup>th</sup> date if we see some willingness on the City Council to say that they are willing to consider it, but if they are not going to consider it, I don't want to go there and spend five hours and take the Commissioners' time to do that, and I think Commissioner Gellatly is absolutely correct. Commissioner McMasters first and then Commissioner Kicklighter.

Commissioner McMasters said, I agree completely with staff's concept and intention on this, but I agree wholeheartedly with Commissioner Gellatly, and there is no point —, and I don't even think that they have to agree on a vote. I think the City should have a vote, and if they vote, we meet. If they don't, we know what their position is: they do not want to merge. So not even —. Commissioner Kicklighter said, Mr. Chairman. Chairman Hair said, you're next. Commissioner McMasters said, not even an agreement to vote on it, I think they've got to do something. Chief Sprague has given his announcement, time is short. Let's not dally around. Let's ask for a vote and if they have the leadership to take it, let them take and we'll meet with them immediately.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, I would support a meeting if the Savannah City Council passed a resolution of their own supporting the concept of a merger. So at this time I would like to make a motion that this Board ask the City of Savannah to pass a resolution whether or not they support the concept of a merger. Chairman Hair said, and then set up a meeting after that —. Commissioner Kicklighter said, right. Chairman Hair said, — once we get that. Does that have a second? Commissioner Rayno said, second. Commissioner McMasters said, second.

Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair recognized Commissioner Thomas. Commissioner Thomas said, the Chairman has —, I mean the —. Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, I agree with what you're saying. I want to make a parallel. I'm not trying to be folksy or cute, but this is similar to what's going on in the world today with the United Nations and United States. I am in the position where I have to deliver to this community a Chief of Police come July. I cannot allow, in effect, at least from the standpoint of my recommendations to you, an option to be set up where another party, over which I have not the ability to influence or persuade, keeps wanting more information, delaying, delaying, delaying, and I cannot recruit a Chief of Police. Chairman Hair said, Mr. Abolt, we're helping you there. County Manager Abolt said, I guess. Chairman Hair said, this motion helps you. This puts you in —. Commissioner Kicklighter said, if they say, we hire a Chief.

Commissioner Murray said, if we haven't heard anything by the end of March, you go ahead and advertise. Chairman Hair said, that's —, this is the —, we're trying to help you here. County Manager Abolt said, thank you, sir. Chairman Hair said, we're trying to respond to your concern. Commissioner Murray said, they've got to the end of March and if they don't do anything, you advertise. County Manager Abolt said, thank you.

Chairman Hair said, all right, the motion —, everybody needs to vote on the motion. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.] Chairman Hair said, thank you.

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

Commissioner Kicklighter moved to this Board ask the City of Savannah to pass a resolution whether or not they support the concept of a merger and, if we haven't heard anything by the end of March of 2003, the County Manager is authorized to begin advertising for a new Chief of Police. Commissioners Rayno and McMasters seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.]

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#### **5. CONSIDERATION OF ORDINANCE AMENDMENT AFFECTING SITE PLAN AND BUILDING FOUNDATION LOCATION.**

Chairman Hair said, I don't know what this is about, I don't know why it's on this section of our agenda.

County Manager Abolt said, Mr. Chairman, this is a subject that in general which was discussed in Executive Session. There was a question on what occurred on a situation of fact where a foundation was poured into a side yard setback, I believe, and you all asked for an analysis at your next meeting as to what the current situation was and whether or not there were any fixes.

Mr. Gregori Anderson said, good morning. What you have before you is a consideration of a possible fix of an issue that Mr. Abolt certainly identified, and it mostly deals with additions and alterations to existing and older subdivisions when individuals come to our department and take out permits legitimately for additions to existing structures. In the Zoning Ordinance there are required setbacks that they have to meet. The challenge with our inspection force is that when we go out and make that inspection for where the setback actually is going to be, in the older subdivisions you do not have what's called monuments or indications where the actual property lines are. What we're proposing today is the opportunity with your approval to go back and look at a possible to the Zoning Ordinance that will require building permit and contractors to identify where the property lines are at a specific time in the construction process so when the inspector comes out, he can see exactly where those property lines are and identify exactly what the setback requirements are.

Chairman Hair said, I don't think anybody would object to your drafting an ordinance for us to look at. I think that's what you're asking for, right? Mr. Anderson said, that's correct, sir. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I don't have a problem with that, but isn't there a requirement now that they have to have a survey done, that they have a survey done before they do any construction? Mr. Anderson said, that's the issue,

Commissioner. There is no requirement to have a survey done. Certainly in new subdivisions you did that, you do have the survey that's done prior to the staking out of that brand new house, but a lot of the additions that we get are in older homes. Commissioner Murray asked, but if somebody does an addition, they don't have to have a survey done? Mr. Anderson said, there's no language in the ordinance that requires that they have one done.

Commissioner McMasters asked, Jon [Hart], wasn't this a piece of new construction that was the subject in Executive Session, it was not an addition? County Attorney Hart said, I just don't remember. Commissioner Murray said, yes. Commissioner McMasters said, well, we both remember it that way. County Attorney Hart said, okay, that's fine. Commissioner McMasters said, they poured the foundation —. Chairman Hair asked, what's the issue? Commissioner McMasters said, well, the issue is I want it characterized it correctly. Chairman Hair said, okay. Commissioner McMasters said, okay. This is not a problem exclusively with additions to existing structures. This came to us and will undoubtedly cost taxpayers money in a potential settlement we discussed based on the fact that no reinspection and initially no conclusive siting of where the foundation was being poured relative to the setbacks on the property lines was afforded you. This is not your problem. This is —, we're going to help you. Mr. Anderson said, I understand that. I appreciate that. Commissioner McMasters said, and not exclusively with remodeling and additions, but with new construction. So I would support completely trying to protect homeowners that buy structures, they pay a lot —, biggest purchase of their entire life —, from having problems in the future, coming back and suing the County. This makes sense and it's something that ought to be studied and I'll support it. I also have some questions —, are you going to be around later? Mr. Anderson said, sure.

Chairman Hair said, I don't think this requires a motion. We can direct staff to draft an ordinance and bring it back to us for review and through the normal ordinance process.

Commissioner McMasters asked, as long as [inaudible], may I ask a question relative to construction? Chairman Hair asked, is it brief? Commissioner McMasters said, yes. Mr. Anderson, Commissioner McMasters has a brief question for you on something else. Mr. Anderson said, yes, sir. Commissioner McMasters asked, in new subdivisions when a builder starts to construct homes, each home is to have a building permit. Is that correct? Mr. Anderson said, that's correct. Commissioner McMasters said, okay. Where is that —, is that to be posted at the job site? Mr. Anderson said, the permits are required to be posted on the site, that's correct. Commissioner McMasters asked, and you and your staff check every new construction site to be certain that that permit is there? Mr. Anderson said, that's correct. As a matter of fact, as part of our procedures, if the permit —, well, we give then what's called a permit card that has —, identifies the permit number as well as other pertinent information. If it's not posted on the site, then the project is not inspected. We call a contractor because a lot of times we can't even find it. Commissioner McMasters asked, how often do you discover at a construction site the absence of that permit? Mr. Anderson said, more times than we care to talk about. Commissioner McMasters asked, could I get a report from your staff on the number of times that occurs? Mr. Anderson said, what we can do, we can track it. It's not something we actually physically track. We can track it for the next 30 days and bring that information back to you if that would be helpful. Commissioner McMasters said, well, I thought your answer was that it happens more than you like. Mr. Anderson said, yeah, we do, but it's not something —. Chairman Hair said, it's just that they don't keep records of it. They don't —. Mr. Anderson said, we don't tally it. We just turn the inspection down at that particular time. Commissioner McMasters asked, do you stop work in the absence of the permit? Mr. Anderson said, oh, yes, we do. Commissioner McMasters asked, so don't you have a history of stopping the work? Mr. Anderson said, we do that, yes, we do. Commissioner McMasters asked, so couldn't I get it based on that? Mr. Anderson said, well, we can go back and tally it for the last 30 days. Chairman Hair said, stop work orders would include things other than though. Commissioner McMasters said, well, I understand that. I'm willing to do my own separation here, but I'd like to see it for the last 90 days. Mr. Anderson said, certainly.

Commissioner McMasters said, my last question is you evidently have a relationship with the Tax Assessor's Office and the Board of Assessors that monthly you send a report of all new building permits as well as certificates of occupancy. Is that correct? Mr. Anderson said, actually we physically send them copies of the actual permits and copies of the actual certificates of occupancy. Commissioner McMasters said, okay. And you do that every month? Mr. Anderson said, every one that's issued we send it directly to them. Commissioner McMasters asked, and do you send it electronically or do you hand deliver it or? Mr. Anderson said, we send them physically? Commissioner McMasters asked, physically? Mr. Anderson said, yes, we do. Commissioner McMasters said, all right. Thank you.

Chairman Hair said, thank you, Mr. Anderson.

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

The Board directed staff to prepare a proposed amendment to the Zoning Ordinance affecting site plan and building foundation location and bring it back to the Board for review through the normal ordinance process.

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- 6. REQUEST BOARD APPROVAL OF A STRATEGY TO PURCHASE SOFTWARE THAT WILL ALLOW PARKS AND RECREATION TO TRACK ALL MAINTENANCE ACTIVITIES. THIS WILL ALSO BE HIGHLY BENEFICIAL TO THE CONSOLIDATED PARKS/PUBLIC WORKS DEPARTMENT. NOTE: REFER TO FORTHCOMING BUDGET.**

County Manager Abolt said, Dr. Hair, Dr. Thomas, gentlemen, this is in a way parallel to the discussion you had two weeks ago when I came forward with an option to fund the training program for the entire work force. In this case, as you know, you've put a particular value on us improving our project follow through and in the case of the eventual merger of the Parks and Recreation Department, we want to take advantage of the software and the type of program management that Public Works has and make it available for the Parks end of that joint department. In effect to do this, Mr. Lipsey identified an expenditure of a few thousand dollars, ten in number, to do it. Given the fact that we only have \$16,000 in the M&O Contingency for right now, I would ask you take the same action you took two weeks ago and in effect refer this to the budget process?

Chairman Hair asked, does anybody object to this? Commissioner Rayno said, no, I think that's a good idea. Commissioner McMasters said, I have a question. Chairman Hair said, certainly, Commissioner McMasters.

Commissioner McMasters asked, Mr. Lipsey, if I understood this staff report correctly, we currently have the software in one department and want it in —. Mr. Al Lipsey said, it's installed in Public Works. Commissioner McMasters said, okay, and it's the same software? Mr. Lipsey said, yes. Commissioner McMasters said, okay. Has anyone checked to see if a second licensing on the original software, which is very common these days, could be secured to save the taxpayers' money. County Manager Abolt said, number two in Facts and Findings. Commissioner Rayno said, that is what it is, a second license. Commissioner McMasters said, okay, I apologize. I overlooked that.

Chairman Hair said, thank you. We appreciate it, Mr. Lipsey.

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

By consensus of the Board, action on this item was deferred to the FY 2003-2004 budget.

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## **X. ACTION CALENDAR**

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

Chairman Hair said, that takes us to the Action Calendar. Does anybody want to pull anything off the Action Calendar. 15-B is already off. Commissioner Rayno said, 5, 6 and 7. Chairman Hair said, 5, 6 and 7 for Commissioner Rayno. Commissioner McMasters said, 8. Commissioner Rayno said, and D and E, please. Chairman Hair said, D and E. Commissioner McMasters said, A. Chairman Hair said, wait a second. D and E. Commissioner Gellatly asked, do you have C? Chairman Hair said, I do not, Commissioner Gellatly. Anything else? Commissioner McMasters said, B, as in boy. Chairman Hair said, that's already pulled. That's pulled already so you don't have to worry about that. Commissioner McMasters said, and number 8. Chairman Hair said, number 8. I've already got you on that one. Commissioner McMasters said, thank you.

Chairman Hair said, I'll entertain a motion to approve the balance of the Action Calendar. Commissioner Thomas said, move for approval. Chairman Hair asked, second? Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers 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 with the exception of Items 5, 6, 7, 8 and 15-A through 15-E, both inclusive. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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

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### **1. APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON FEBRUARY 14, 2003, AS MAILED.**

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

Commissioner Thomas moved to approve the minutes of the regular meeting on February 14, 2003, as mailed. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD FEBRUARY 5 THROUGH FEBRUARY 18, 2003.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved that the Finance Director is authorized to pay claims for the period February 5, 2003, through February 18, 2003, in the amount of \$2,750,227. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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**3. REQUEST FROM HUSSEY, GAY, BELL & DEYOUNG, ENGINEER FOR THE DEVELOPER, TO RECORD THE SUBDIVISION PLAT FOR LEGACY SQUARE PHASE 2, ACCEPT THE FINANCIAL GUARANTEE AND RECOMBINE THIS PHASE INTO THE EXISTING LEGACY SQUARE STREETLIGHTING ASSESSMENT DISTRICT. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the request from Hussey, Gay, Bell & DeYoung, Engineer for the developer, to record the subdivision plat for Legacy Square Phase 2, accept the financial guarantee and recombine this phase into the existing Legacy Square Streetlighting Assessment District. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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**4. REQUEST FROM THE ENGINEER FOR THE DEVELOPER, GENESIS DESIGNER HOMES, TO APPROVE THE FINAL PLAT FOR RECORDING CANTERBURY PARK, PHASE 2. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the request from the engineer for the developer, Genesis Designer Homes, to approve the final plat for recording Canterbury Park, Phase 2. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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**5. REQUEST BOARD DECLARE AS SURPLUS A SUBSTANDARD-SIZED VACANT LOT IN THE CITY OF SAVANNAH AT 712 PAULSEN STREET AND AUCTION THE COUNTY'S INTEREST IN THIS PROPERTY HELD BY TAX DEED. [DISTRICT 2.]**

**6. REQUEST BOARD DECLARE AS SURPLUS A SUBSTANDARD-SIZED VACANT LOT IN THE CITY OF SAVANNAH AT 811 DIXON STREET AND AUCTION THE COUNTY'S INTEREST IN THIS PROPERTY HELD BY TAX DEED. [DISTRICT 5.]**

**7. REQUEST BOARD DECLARE AS SURPLUS A VACANT LOT IN THE CITY OF SAVANNAH AT 1217 BOLTON STREET AND AUCTION THE COUNTY'S INTEREST IN THIS PROPERTY HELD BY TAX DEED.**

Chairman Hair asked, Commissioner Rayno, do you want to do these individually, I assume, not altogether? Commissioner Rayno said, no, no, group them together, 5, 6 and 7. Chairman Hair read Items 5, 6 and 7 into the record. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you, Dr. Hair. Mr. Abolt, as our policy is, will 50% of the money from the proceeds go into Contingency Fund? Mr. Abolt said, yes, sir. Commissioner Rayno said, okay. Thank you. I move for approval. Chairman Hair asked, second? Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.] Chairman Hair said, the motion passes. Thank you.

**ACTION OF THE BOARD:**

Commissioner Rayno moved to declare as surplus: (1) a substandard-sized vacant lot in the City of Savannah at 712 Paulsen Street [PIN 2-0034-20-011]; (2) a substandard-sized vacant lot in the City of Savannah at 811 Dixon Street [PIN 2-0140-04-012]; and (3) a vacant lot in the City of Savannah at 1217 Bolton Street [PIN 2-0041-16-006], and auction the County's interest in these properties held by tax deed. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present.]

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**8. REQUEST BOARD APPROVE THE SALE OF BORROW MATERIAL FROM COUNTY-OWNED PROPERTY FORMERLY KNOWN AS THE LITCHFIELD PLANTATION TRACT (PIN 1-1033-02-001) ADJACENT TO OLD BASIN ROAD. [DISTRICT 6.]**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters asked, who's going to answer this? Chairman Hair said, well, we need to have the question first so we know who to refer it to. Commissioner McMasters said, well, I —. Chairman Hair said, we can't tell who's going to answer it when we don't know what the question is. County Manager Abolt said, this is like Carnac [phonetic]. Mr. Bungard will be here with his turban in a minute. Commissioner McMasters said, whoever comes up and makes it up. County Manager Abolt said, Mr. Bungard will be here with his turban in a minute. Commissioner Kicklighter asked, Al [Bungard], would you answer him? Commissioner McMasters said, well, maybe you want to ask the questions and I'll give you the answers. Chairman Hair asked, what's your question, Commissioner McMasters? Commissioner McMasters asked, how are you, Al [Bungard]? County Engineer Bungard said, pretty good. Commissioner McMasters said, good. Is this concept of borrow material —, do we have a buyer in mind for it? How do we find a buyer if we don't? County Engineer Bungard said, two ways. We can put it out for auction. We put it out, you know, in a week or two in the newspaper and see if anybody wants to buy the soil, or we can go look for buyers. In this particular case, I've had one company approach me, that's Triangle Construction. They're the ones that are doing the widening at U. S. 17 from 204 down. It's right next to their job and that would be an ideal opportunity for them and I'm hoping we get a really good price from them because of that because they don't have to haul as far. Commissioner McMasters asked, well, who does the digging in that case? County Engineer Bungard said, they would. Commissioner McMasters asked, they would? County Engineer Bungard said, yes, sir. County Engineer Bungard said, so they bring their own people onto the site and their own equipment and —. County Engineer Bungard said, right. Commissioner McMasters said, do the work. County Engineer Bungard said, yes. Commissioner McMasters asked, how do we verify the loads? County Engineer Bungard said, in this case, I'm not a big fan of truck loads. A long —, when I first got here we had a problem with that on Triplett Park. Typically, what the sellers of borrow do, like [inaudible], R. B. Baker, Billy Herrin, they have somebody on site to count truck loads and they do it that way. The other commonly acceptable way of doing it is taking before and after cross-sections. You survey before, you allow them to dig, you know, for the amount that they need, you take a final cross-section, you compute the volume, multiply by whatever the amount is and you come up with the price. Commissioner McMasters asked, which way are you recommending? County Engineer Bungard said, before and after cross-sections. Commissioner McMasters asked, and what's the cost of doing that? County Engineer Bungard said, that will probably cost \$3,000 to \$4,000. Commissioner McMasters asked, and what would that ultimately make our net take on —. County Engineer Bungard said, for the area that I've identified, and I met with the Corps of Engineers, the U. S. EPA and Fish and Wildlife on the 19<sup>th</sup> to review the proposal because you may recall I said there may be an opportunity to go beyond the 560 credits by creating wetlands. In fact, they're excited about the idea. There's these areas right —, this is —, this blue area is where it was used for borrow before, and then there's these uplands here, which are pines, and in this area right here, which is going to be under restrictive covenant, there's already pretty much cleared, and I've come up with a grading plan where they can dig in this area here for about we figure, if they get on elevation zero, they can easily get 150,000 cubic yards times \$1.50, that's \$225,000.

Commissioner McMasters said, allow me to interrupt you. You're telling us that previously the owner of this property was selling material from this site? County Engineer Bungard said, apparently, yes, some time in the past. I don't know when. Commissioner McMasters said, okay. Would that be subject to tax? County Attorney Hart asked, the dirt off of the property? Commissioner McMasters said, uh huh. County Attorney Hart said, I don't know. I'd have to look at it. Commissioner McMasters asked, would you find out and ask the Tax Assessor's office whether or not —? County Attorney Hart said, [inaudible]. I'd have to look see whether they're [inaudible] —. Chairman Hair said, certainly the income would have to be taxed. I mean, they'd have to show it as income. Commissioner McMasters said, yeah, but sales tax is what I'm asking. Chairman Hair said, oh, sales tax. Commissioner McMasters said, I'm not asking income tax, I'm sales tax. County Attorney Hart said, I mean, there's exemptions of sales tax, for example, for any DOT project in the State so if the dirt —. Commissioner McMasters said, well, I can't imagine International Paper donating land or soil —. County Attorney Hart said, no, I'm just saying that the sales tax law is written in this State for all DOT sponsored projects you can't charge sales tax to. So —. Commissioner McMasters said, well, let's find out where it was being sold and who it was sold to and whether or not it was tax exempt. Chairman Hair said, yeah, that's fine.

Commissioner McMasters asked, Al [Bungard], in your conversations with EPA and all the various agencies, there's an awful lot of changes in the Bush administration's view on wetlands mitigation. Is this —, can you comment at all relative to this borrow material on this overall site and your concept that it isn't impacted by the very high profile

changes now on wetlands mitigation? County Engineer Bungard said, no. In fact, this is the way the administration wants to go. Right about the time we were doing this President Bush put out an edict that promotes this. In fact, when I first tried this idea many years ago, I was told no, then I found it was being done or pursued in Virginia and some other places, and that's when I started to try to do it here. In other words, doing large mitigation rather than piecemealing, you know, a lot of isolated sites. So, as I understand, the Corps has told me it's consistent with that policy. Commissioner McMasters said, okay. Let's go back to the revenue in a moment. If this thing generates —, you sell a bunch of this material, what county fund does that revenue go into? County Engineer Bungard said, it goes back into the same account that I used to pay for the property. In other words, I pay for it out of the Hardin Canal, it goes back into the Hardin Canal drainage account. Commissioner McMasters asked, you can't pull it out of SPLOST money, right? County Engineer Bungard asked, pardon me? Commissioner McMasters said, SPLOST money to pay for this. County Engineer Bungard said, yes, sir. Right, it goes back in the SPLOST. Commissioner McMasters asked, is there any way that some of the revenue can go anywhere else or is it —? County Attorney Hart said, if the money and the acquisition of property was by a particular —, out of a particular fund in SPLOST, we have traditionally put that money back into that SPLOST fund to avoid questions that you could legally challenge. Commissioner McMasters asked, would that be true for the timber as well? County Attorney Hart said, yes. If we cut the timber off that land? Commissioner McMasters said, no, if we sell the timber rights to a third party? County Attorney Hart asked, and we received income for the timber rights? Yes, we would put it back in that fund. Commissioner McMasters asked, and it has to go there? Commissioner McMasters said, and it has to go there. County Attorney Hart said, yeah, we feel —, we feel like it would be subject to —. Commissioner McMasters asked, Dean [Kicklighter], did you want to jump in?

Commissioner Kicklighter said, I just —, I would like to add, thank you, that because we borrowed from like the Hardin Project because we're in the permitting phase, we will that need that money at that point so we're able to utilize that money to purchase the property, it's really only, you know, proper to put it back to that where we can complete that project later. So —.

Commissioner McMasters said, okay, thanks, and I think that makes sense. That's the way it's supposed to go. Lastly, the purchase of this property was evidently concluded at the very last part of the year and it was a deal that Dr. Thomas and Jon [Hart] negotiated at the last minute prior to the purchase. Were there any minutes from that negotiation? County Attorney Hart said, no, sir, there were not. Commissioner McMasters said, okay. A telephone poll was taken —. County Attorney Hart said, correct. Commissioner McMasters said, and —, I know I was polled and I voted against this —. There were —, if a poll was taken, why weren't we informed of the results of the poll and is that poll legal? County Attorney Hart said, this is what happened in that situation. We went in there and talked about this, and at the end of the discussion Dr. Thomas and I were asked to go and negotiate with the parties involved with the case within the parameters that were given to us by this Commission. We then went in and asked for everything that this Commission directed us to do. The property owners looked us square in the eye and said we have negotiated this deal in good faith with the County, the County is attempting through this negotiation to change the deal. We will take the property off of the market at this price, we will not sell it to you and we will not offer to sell it to ever again. Commissioner Thomas said, that's exactly what he said. County Attorney Hart said, and the decision of the Board was to try to negotiate a better price, but if that was not available, to at that point in time to take the original price negotiated in this situation. As a result of Dr. Thomas and I realizing that was the situation we were in, we knew what the instructions of the Board was, we made a decision to send a memo out to the Board members to inform the Board members that unless there was demonstration to the contrary, that we were going to proceed to close the transaction, and at that point we sent the memo out and then did a telephone poll to see if there was going to be like a nine to nothing vote against it or an eight to two vote which would seem to indicate there was a very strong dissent into doing the transaction. I do not remember the result was the vote —. I didn't take the poll. Commissioner McMasters said, Danielle [Bush-Hillery] took the poll. County Attorney Hart said, yeah, I don't remember what the vote was. There were several votes against, but there was a clear majority to go forward with the transaction. I think —, I'm not sure, but I think one Commissioner was out of town. I'm not sure about that. Commissioner McMasters asked, could you provide me a legal opinion that says that voting telephonically was legal? County Attorney Hart said, well, we didn't take an action. All we did was take a consensus of opinion there. Commissioner McMasters said, it was a vote. County Attorney Hart said, no, it wasn't a vote. Commissioner Thomas said, it was not a vote.

Chairman Hair said, the vote was already taken, Commissioner McMasters. A vote had already been taken by this Board to approve the deal at the original price if they couldn't negotiate a better price. This Board had already voted on that. County Attorney Hart said, all we wanted to do was to confirm that Dr. Thomas and I had lived up to the expectations of the majority of this Board and to keep you informed. That was not an action. We asked legally or we wouldn't have done that. Chairman Hair said, you couldn't do that by law. Okay?

Commissioner Thomas said, I just want to say that the attorney has explained it very succinctly. That is exactly what took place and we went there in good faith to negotiate whatever you had requested us to do, and I feel that we did a real good job because there were a lot of questions that I asked, and when we got down to the last part about will you be able to do anything further, you know, in terms of the price and et cetera, and he very —, you know, he just said, no, we have negotiated in good faith, this is the bottom line and this is it and the County could, you know, either take this or you will never see this price again and you will never be offered this again.

Commissioner McMasters asked, Dr. Hair, may I ask a question? Chairman Hair said, certainly. Commissioner McMasters asked, Dr. Thomas, in your negotiations on our behalf, and I think you did a fantastic job, was there any mention of the appraisals on this property to justify this Commission moving ahead with the purchase? Commissioner Thomas said, it's been —, I don't recall. I won't —, I can't answer that because I don't recall at this moment. Commissioner McMasters said, well, for the record I want the public to know that the seller of the property is refusing

to release the appraisal to justify the higher purchase, and I think the County Attorney's opinion is that they have every right to do that. So —.

Chairman Hair said, I'll entertain a motion to approve. Commissioner Odell said, move for approval. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Murray, Odell, Gellatly, 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 Rivers was not present.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the sale of borrow material from County-owned property formerly known as the Litchfield Plantation Tract (PIN 1-1033-02-001) adjacent to Old Basin Road for a unit price of not less than \$1.50 per cubic yard. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Murray, Odell, Gellatly, 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 Rivers was not present.]

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- 9. **REQUEST BOARD APPROVE FINAL SETTLEMENT OF YVONNE & ODIE BASS V. MARLIN DEVELOPMENT CORPORATION AND CHATHAM COUNTY DEPARTMENT OF BUILDING SAFETY & REGULATORY SERVICES, CIVIL ACTION NO.CV01-1586-BA, IN THE AMOUNT OF \$5,000.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the final settlement of Yvonne & Odie Bass v. Marlin Development Corporation and Chatham County Department of Building Safety & Regulatory Services, Civil Action No. CV01-1586-BA, in the amount of \$5,000. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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**10. REQUEST BOARD APPROVE EXECUTION OF A CONSENT ORDER FOR THE CLOSURE OF THE CHEVIS LANDFILL.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the execution of a Consent Order for the closure of the Chevis Landfill. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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**11. REQUEST BOARD APPROVE A 30-DAY LICENSE AGREEMENT OF COUNTY-OWNED PROPERTY ON HUTCHINSON ISLAND TO CINGULAR FOR PURPOSES OF A TEMPORARY BROADCAST TOWER FOR ST. PATRICK'S DAY EVENTS.**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve a 30-day License Agreement of County-owned property on Hutchinson Island to Cingular for purposes of a temporary broadcast tower for St. Patrick's Day events. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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**12. REQUEST FOR NEW BEER, WINE AND LIQUOR POURING AND SUNDAY SALES LICENSES FOR 2003. PETITIONER: BHARAT GANDHI, D/B/A BISTRO BAR & GRILL, LOCATED AT THE OLD EL POTRO LOCATION AT 7 GATEWAY BOULEVARD. [DISTRICT 6.]**

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the petition of Bharat Gandhi, d/b/a Bistro Bar & Grill, located at the old El Potro location at 7 Gateway Boulevard, for new beer, wine and liquor pouring and Sunday sales licenses for 2003. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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**13. REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER, WINE AND LIQUOR LICENSE FOR 2003.**

- A. PETITIONER: WILMA LEE WEAVER, D/B/A CHEER'S TO YOU RESTAURANT / LOUNGE, LOCATED AT 135 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]
- B. PETITIONER: JOHN A. HENDERSON, D/B/A COUSIN VINNIE PIZZA, FUN & GAMES TAVERN, LOCATED AT 4700 HIGHWAY 80 EAST. [DISTRICT 4.]
- C. PETITIONER: BELINDA F. FLANIGAN, D/B/A THE CRAB SHACK AT CHIMNEY CREEK, LOCATED AT 40-A ESTILL HAMMOCK ROAD. [DISTRICT 4.]
- D. PETITIONER: KATHRYN H. HIEBERT, D/B/A DEER CREEK CLUB, LOCATED AT #1 DEER CREEK ROAD. THE LANDINGS. [DISTRICT 4.]
- E. PETITIONER: ALAN C. CALE, D/B/A HENDERSON GOLF CLUB, LOCATED AT 1 AL HENDERSON DRIVE. [DISTRICT 7.]
- F. PETITIONER: MAGDA CASTELLANOS, D/B/A JALAPEÑOS MEXICAN RESTAURANT, LOCATED AT 7405 SKIDAWAY ROAD. [DISTRICT 1.]
- G. PETITIONER: KATHRYN H. HIEBERT, D/B/A MARSHWOOD COUNTRY CLUB, LOCATED AT 1 PALMERS DRAW, THE LANDINGS. [DISTRICT 4.]
- H. PETITIONER: MICHELINE M. FORTH, D/B/A MICHY'S RESTAURANT, LOCATED AT 3-A SKIDAWAY VILLAGE WALK. [DISTRICT 4.]
- I. PETITIONER: KATHRYN H. HIEBERT, D/B/A OAKRIDGE CLUB, LOCATED AT 11 WESTCROSS ROAD. [DISTRICT 4.]
- J. PETITIONER: KATHRYN H. HIEBERT, D/B/A PLANTATION CLUB, LOCATED AT 1 COTTONWOOD DRIVE. [DISTRICT 4.]

- K. PETITIONER: STEPHEN C. SIMS, D/B/A SANDFLY BAR AND GRILL, LOCATED AT 7360 SKIDAWAY ROAD. [DISTRICT 3.]
- L. PETITIONER: THEODORE P. SHAW, D/B/A SAVANNAH YACHT CLUB, INC., LOCATED AT END OF BRADLEY POINT ROAD. [DISTRICT 4.]
- M. PETITIONER: HUGH L. BARNES, D/B/A SNAPPERS SEAFOOD RESTAURANT, LOCATED AT 104 BRYAN WOODS ROAD. [DISTRICT 4.]

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the petitions enumerated in Items 13-A through 13-M, both inclusive, for renewal of Sunday sales of beer, wine and liquor licenses for 2003. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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- 14. **REQUEST FOR RENEWAL OF SUNDAY SALES OF BEER AND WINE POURING LICENSE FOR 2003.**
  - A. PETITIONER: HUGH LANGE BARNES, D/B/A BARNES RESTAURANT, LOCATED AT 4685 HIGHWAY 80 EAST. [DISTRICT 4.]
  - B. PETITIONER: SURENDRA PATEL, D/B/A DENNY'S RESTAURANT, LOCATED WITHIN THE BEST WESTERN AT ONE GATEWAY BOULEVARD. [DISTRICT 7.]
  - C. KATHRYN H. HIEBERT, D/B/A FRANKLIN CREEK ACTIVITY CENTER, LOCATED AT 900 FRANKLIN CREEK ROAD. [DISTRICT 4.]
  - D. PETITIONER: MAEYU C. WU, D/B/A HUNAN'S RESTAURANT, LOCATED AT 318 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]
  - E. PETITIONER: WILLIAM J. YOUNG, D/B/A PIZZA INN, LOCATED AT 313 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]

**ACTION OF THE BOARD:**

Commissioner Thomas moved to approve the petitions enumerated in Items 14-A through 14-E, both inclusive, for renewal of Sunday sales of beer and wine pouring licenses for 2003. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]

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

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. One-year contract extension which provides consultant services to oversee the architectural, engineering and construction documents necessary for the development of the Coastal Georgia Greenway Multi-Use Trails project	SPLOST	Hinesley Hickson Association	Time extension only	No additional funding
B. Renew a one-year maintenance agreement to provide preventive maintenance and inspection of the HVAC equipment at the Aquatic Center	Aquatic Center	Boaen Mechanical	\$12,300	General Fund/ M&O - Aquatic Center
C. Ten (10) used non-typical replacement vehicles	CNT	•Dan Vaden Chevrolet •J.C. Lewis Ford •Fairway Lincoln Mercury	•\$64,900 •\$14,500 •\$59,400	Confiscated Funds - CNT
D. Sandblasting and floor preparation for the hangars	Mosquito Control	E & D Coatings	\$31,903.50	Receivables - Mosquito Control facility

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
E. Change Order No. 3 to the contract for design and construction supervision for the new Mosquito Control facility for additional services	Mosquito Control	Gunn Meyerhoff Shay	\$8,940	Receivables - Mosquito Control facility

**As to Item 15-A:**

**One-year contract extension which provides consultant services to oversee the architectural, engineering and construction documents necessary for the development of the Coastal Georgia Greenway Multi-Use Trails project; SPLOST; Hinesley-Hickson Association; Time extension only; No additional funding.**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, well, since this is a Pat Monahan piece, Pat [Monahan], can you tell us —.

Commissioner Rayno said, John [McMasters], I'm sorry to interrupt. On prior votes on this I've always recused myself because of the Ogeechee Canal. Chairman Hair said, we'll entertain a motion to recuse Commissioner Rayno. Commissioner Odell said, so moved. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present; Commissioner Rayno did not cast a vote.] Chairman Hair said, all right, Commissioner Rayno, you're recused.

Commissioner McMasters said, I'm confused here. I'm work off of this. Is this not where we are? Chairman Hair said, B is out. We're doing A. Commissioner McMasters said, okay. Chairman Hair said, B has already been pulled. Commissioner McMasters said, okay, but what does that have to do with the Ogeechee Canal? This is a Hutchinson Island cellular —. Chairman Hair said, well, we have to —. County Attorney Hart said, all the multi-use trails run near —, it's all part of the —. Chairman Hair said, well, if he recuses himself, he obviously feels he needs to be recused and we have to respect that. Commissioner McMasters said, well, I just wanted to be certain we're talking about the same subject here. The —, it says that Cingular will pay a \$2,500 fee —. County Attorney Hart asked, where are you? Commissioner McMasters said, well, that's why I'm asking. I'm on this one, A. Commissioner Murray said, well, that's Georgia [inaudible]. Commissioner McMasters asked, okay, well, what is this Frank [Murray]? Chairman Hair asked, Commissioner McMasters, are you confused. Commissioner McMasters said, yeah. It never happens. Chairman Hair said, it's the first time I've seen it happen. Commissioner McMasters said, it won't be the last. Well, I defer. It's under 13-A is what you're really talking about then? Is that —? Chairman Hair said, no, we're on 15-A. Commissioner McMasters said, 15-A. County Attorney Hart said, 13-A is all the liquor licenses? Commissioner Kicklighter asked, John [McMasters] do you want to make a motion to approve 13-A? Chairman Hair said, that's already been approved as a part of the original motion. Do you still want to pull A or not? This is the extension of the —, it has no money involved, it's a time extension only. Do you want to pull that or not? Commissioner McMasters said, no, I'm fine.

Chairman Hair said, all right, we need a motion to approve it. Commissioner Kicklighter said, so moved. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rayno and Rivers were not present.]

**As to Item 15-B:**

**Renew a one-year maintenance agreement to provide preventive maintenance and inspection of the HVAC equipment at the Aquatic Center; Aquatic Center; Boen Mechanical; \$12,300; General Fund/M&O - Aquatic Center.**

This item was pulled from the agenda by staff. Therefore, it was not before the Board for consideration.

**As to Item 15-C:**

**Ten (10) used non-typical replacement vehicles; CNT; Dan Vaden Chevrolet (\$64,900, J. C. Lewis Ford (\$14,500), Fairway Lincoln Mercury (\$59,400); Confiscated Funds - CNT.**

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, I really don't have a problem with the purchase, but I would like some assurances, Russ [Abolt], that these won't be ten additional vehicles that we're going to have to maintain. That's Item C. Mr. Kaigler said, they're replacements. Commissioner Gellatly asked, pardon? Mr. Kaigler said, they're replacements. Commissioner Gellatly said, replacements. That's all I wanted to know.

Commissioner Gellatly said, motion to approve. Commissioner Kicklighter said, second. Vice Chairman Thomas said, all in favor. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.] Vice Chairman Thomas said, the motion is carried.

**As to Items 15-D and 15-E:**

- D. Sandblasting and floor preparation for the hangars; Mosquito Control; E & D Coatings; \$31,903.50; Receivables - Mosquito Control.**
- E. Change Order No. 3 to the contract for design and construction supervision for the new Mosquito Control facility for additional services; Mosquito Control; Gunn Meyerhoff Shay; \$8,940; Receivables - Mosquito Control.**

Chairman Hair asked, Commissioner Rayno, do you want these separate or together? Commissioner Rayno said, no, let's put them together please. Chairman Hair said, together, okay. Chairman Hair then read Items 15-D and 15-E into the record. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I wanted first to know who the Project Manager was on this project. County Manager Abolt said, Mr. McDonald. Commissioner Rayno asked, Mr. McDonald? Who's Mr. McDonald? County Manager Abolt said, Harry McDonald. Chairman Hair said, he's one of our Project Managers. Commissioner Rayno said, good morning, sir. Mr. McDonald said, good morning. Commissioner Rayno asked, were you aware the County had a policy where if we got over a certain dollar amount, it had to get County approval? Mr. McDonald said, not completely, no, sir. Commissioner Rayno said, okay. Pat [Monahan], did you want to —.

Mr. Pat Monahan said, if I could answer that, I'll take responsibility for that one. This project was originally under a general contract, but Mr. McDonald informed me that in order for purposes of saving the County money, quality control, we took the contract and made it separate so it fell under the County for this particular work. He called me about the change order. I did not call the Chairman, and I put that in the staff report. That was my responsibility. Commissioner Rayno said, okay, thank you. Mr. Monahan said, and that's —, I think this is the third one that I've done, it's the first time I forgot. Commissioner Rayno said, he took a vote for you, that's good.

Commissioner Rayno asked, was the architect on site when the form work was done when the original floor was poured? Mr. McDonald said, the architect had been on site. The discrepancies were noted and are still on the punch list items. We still hold an amount in excess of \$227,000 of retainage money for the contractor to resolve outstanding punch list items. The corrective work done here is one of the items that we'll right now be thinking as identified funds to resolve those issues. Commissioner Rayno asked, so the day the floor was poured and the screeding was done, did they note the discrepancy in the flooring at that point? Mr. McDonald said, at that point in time they —, the concrete was poured that day and didn't identify that the cracks had started until the subsequent day. Again, contractor liability —. Commissioner Rayno said, it started to dry out and started to crack. Mr. McDonald said, yes, sir. Yes, sir. Commissioner Rayno said, and then they noted it the following day —. Mr. McDonald said, yes, sir. Commissioner Rayno said, when they started to seeing the cracks. Okay. It just seems to me that the contractor should have been held liable right there at that point. Was anything said to the contractor? Mr. McDonald said, yes, sir. I mean, that's —, we're still in those points. The contractor has the liability to resolve the issues. The corrective work for us to get the floors done so we could begin operations in there are what we had to take at that point in time. This Board had approved the painting of the floors. They —, when they started the painting process, identified the deficiencies, and the contractor was notified and that's why we had to move forward so we could, in fact, occupy the facility. Commissioner Rayno asked, what was the reason for the cracks appearing in the concrete? Mr. McDonald said, right now a number of issues within the design parameters. The contractor can either saw cut or installation of screeds. Right now it —. Commissioner Rayno asked, so basically there wasn't enough expansion to [inaudible] —. Mr. McDonald said, yes, sir. Commissioner Rayno said, — the concrete. Mr. McDonald said, yes, sir. Commissioner Rayno asked, who designed it? Mr. McDonald said, the design was done through Gunn Meyerhoff Shay. It's their design, but they —, invariably during the pour sequence the contractor has the —, some leeway to make adjustments, but the contractor carries the liability as well. Commissioner Rayno said, so the very person policing to make sure the contractor poured correctly was the one who designed it and then the cracks appeared in the concrete, and now we're going to instead of punishing the architect for their mistake, we're going to give them extra money to correct the problem. What incentive is there for the architect to actually police correctly when they are, in fact, the ones who are causing the problem? Mr. McDonald said, the design outlines what the basic slab should be. During the pour process itself the contractor within their own methods of operation can make adjustments, but concrete cracks and there are provisions that each contractor can make. Sometimes it's specified within the design, sometimes it's left within the contractor himself to do. Gunn Meyerhoff Shay is being retained primarily because there are still some liability issues that —, because the contractor hasn't finished that we need to keep the architect on board, but the collection of the \$31,000 is against the general contractor, not against the architect. Commissioner Rayno said, well, my point to the Commission is the fact that the architect caused the problem by faulty design and we are going to reward him, that company, by giving them more money for their own mistake.

Commissioner Rayno said, I will make an approval for D since it's already been —, a motion for approval for D since it's already been paid anyhow. Chairman Hair asked, you're going to approve —, your motion is for E only? Commissioner Rayno said, just D. Chairman Hair said, D only. Okay, motion to approve D, sandblast —. Commissioner Kicklighter said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present.]

Chairman Hair said, I need a motion on E. Commissioner Rayno said, I make a motion to deny E. Chairman Hair said, all right. Does that motion have a second? Commissioner Kicklighter said, second. All those in favor of that motion —. County Manager Abolt said, Mr. Monahan wants to speak.

Mr. Monahan said, the only thing I wanted to just point out to the Board, these are two issues. The change order for the architect is not related to Item D. The change order from the architect relates to the fact that he has had —, this firm has had to stay on with this project for more than year because of problems with the contractor. That's the additional fees. It's not —.

Chairman Hair said, the motion is to deny. All those in favor of denying vote yes, opposed vote no. Commissioners Rayno, McMasters and Kicklighter voted in favor of the motion to deny. Chairman Hair and Commissioners Murray Odell, Gellatly and Thomas voted in opposition. The motion failed by a vote of five to three. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion to deny fails.

Chairman Hair said, now I'll entertain a motion to approve. Commissioner Odell said, move for approval. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Murray, Odell and Thomas voted in favor of the motion. Commissioners Rayno, McMasters, Gellatly and Kicklighter voted in opposition. The motion **failed** by a tie vote of four to four. [NOTE: Commissioner Rivers was not present.] Chairman Hair said, the motion passes. Commissioner Odell said, no, the motion failed. Commissioner Rayno said, whoa, it failed. Commissioner Odell asked, no, it failed? Commissioner Murray said, it failed, it's a tie vote. Chairman Hair said, the motion fails. That's correct. It's not denied or approved. It shows we don't know how to make decisions. The Clerk said, it's a four-five vote. Commissioner Rayno said, I see four-four. The Clerk said, oh, I'm sorry, it is. I'm sorry. Chairman Hair said, there's not but eight of us here. Commissioner Murray said, unless somebody's pushing another button. Chairman Hair asked, what did you make in math, Ms. Tillman? Where did you go to math class? The motion fails. It's a tie vote.

**ACTION OF THE BOARD:**

1. Commissioner Odell moved that Commissioner Rayno be recused from voting on Item 15-A due to his association with the Ogeechee Canal project. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present; Commissioner Rayno did not vote.]
2. Commissioner Kicklighter moved to approve Item 15-A. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Rayno and Rivers were not present.]
2. Staff removed Item 15-B from the agenda prior to its consideration by the Board.
3. Commissioner Gellatly moved to approve Item 15-C. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]
4. Commissioner Rayno moved to approve Item 15-D. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present.]
5. Commissioner Rayno moved to deny Item 15-E. Commissioner Kicklighter seconded the motion. Commissioners Rayno, McMasters and Kicklighter voted in favor of the motion to deny. Chairman Hair and Commissioners Murray Odell, Gellatly and Thomas voted in opposition. The motion **failed** by a vote of five to three. [NOTE: Commissioner Rivers was not present.]
6. Commissioner Odell moved to approve Item 15-E. Commissioner Thomas seconded the motion. Chairman Hair and Commissioners Murray, Odell and Thomas voted in favor of the motion. Commissioners Rayno, McMasters, Gellatly and Kicklighter voted in opposition. The motion **failed** by a tie vote of four to four. [NOTE: Commissioner Rivers was not present.]

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**XI. FIRST READINGS**

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

**1. SOUTHEAST CHATHAM COUNTY COMMUNITY PLAN AND ZONING ORDINANCE TEXT AND MAP AMENDMENTS. See additional memo from MPC Chairman.**

Chairman Hair read this item into the record.

\* \* \*

Commissioner Murray said, my question is on Item 1. Are we accepting that as a first reading today? Mr. Milton Newton said, we would —, the Planning Commission is requesting that you continue the first reading to the March 28<sup>th</sup> rather than hold the first reading today since you do not have the document physically in your possession.

Commissioner McMasters asked, can we discuss these things? Chairman Hair said, certainly. Commissioner Murray said, sure, we can discuss it between us. Chairman Hair said, yeah, nobody else can discuss it. It's on first reading, only us. Commissioner McMasters asked, we can't get testimony? Chairman Hair said, not on first reading. On second reading you can have all the testimony you want. Commissioner McMasters said, okay, well, I want to discuss —, yeah, I'd like to discuss 1. Chairman Hair said, okay, discuss it. Commissioner McMasters said, okay. The Southeast Land Plan is being stalled in my opinion over at the MPC despite a six-year effort by this Commission, the MPC and citizens committee to make this happen, and I look forward to having this brought forward so that we can

discuss it further, but it is a difficult and frustrating process over at the MPC right now on this, and I just want this Commission to be aware of that.

Chairman Hair said, okay, and so that will be discussed in two weeks. Commissioner Murray, did you have a comment on it?

Commissioner Murray said, mine was on 1 also and so are we postponing the first reading again? Chairman Hair said, that's correct. Commissioner Murray said, which is the second meeting in a row we've postponed it. Is that correct? Chairman Hair recognized County Attorney Hart.

County Attorney Hart said, we've got a problem here with this first reading. We don't have the plan in front of you to have a first reading on. It was put down as a first reading assuming we were going to have a plan over here, but currently there is no plan that's been presented to this Commission and I don't —, I think it's technically defective on having a first reading on something you don't have.

Chairman Hair said, we can't [inaudible] we didn't have. Commissioner McMasters asked, well, can we —? County Attorney Hart said, excuse me. I don't mean to interrupt. Commissioner McMasters asked, can we find out why? Commissioner Rayno said, yeah, we were told we had a strict time table and it would be here and delivered to us on a specific date. The time table is taped right on my wall at home.

Commissioner McMasters said, since it isn't a first reading we can discuss it, can we not? Chairman Hair said, well, if it's not a —, I don't know even know that we need to even have it on the agenda. It doesn't need to be here if it's not —, if we don't have anything —, how are you going to discuss something that doesn't exist? Commissioner Thomas said, we don't have it. Commissioner McMasters said, well, there's, I think, lots of testimony that could be had as to why we don't have it. Chairman Hair said, well, I think we can have that testimony in two weeks from now when we have the plan in front of us that we can vote on it. That's when we —. County Attorney Hart said, that would be a first reading and y'all can discuss that among yourselves and you currently —.

Commissioner Murray said, I guess the real question is —. County Attorney Hart said, or you could put it on as an agenda item separate —. Chairman Hair said, you could put it under your section. Commissioner Murray said, the real question is, you know, we were told at the last meeting and now we're being told at this meeting we'll have it at the next meeting, and the question is will we have it at the next meeting or is it going to be two more week and two more weeks after that or when are we going to have it?

Commissioner Rayno said, actually, John [McMasters], you had a Commissioner item that you wanted to bring up about the Southeast Land Plan, didn't you? Chairman Hair said, it's going to come up at the end of the agenda. We're going to discuss it in great detail, Commissioner McMasters. We're going to take it off the table and discuss it in great detail. You'll have an opportunity at that time to discuss it in great detail. Commissioner McMasters said, well, if that's the case, then I would just let that flow out until this, but I think this Commission —. Chairman Hair said, it's the last item. Commissioner McMasters said, yeah, well, we'll postpone it, Billy [Hair], until we have a chance to hear from this plan, whether or not we get a plan. Chairman Hair said, that's correct. The moratorium issue will come off the table today, as you requested, at the end of the meeting. You requested that we put it at the end of the meeting, and that's what we did. Commissioner McMasters said, well, since we aren't going to have any testimony on this, there's no point in taking it off the table today. Chairman Hair said, well, that's up to you. If we don't have a motion to take it off the table, that's fine.

County Attorney Hart said, Commissioner McMasters, assuming there is a plan before this Commission at the next meeting, the Commission in first reading by your policy can discuss that as much as you wish between yourselves, but you can't take testimony. So, if at the next reading you want to take some type of testimony, then you need to request under a Commissioner's item the subject matter of what you would like to discuss so that it can be discussed. Chairman Hair said, and you can discuss anything under your item you want to discuss, Commissioner McMasters. Commissioner McMasters said, but we're —. County Attorney Hart said, it's sort of indirect, but that's the way the rules work. Commissioner McMasters said, I mean, we're here, the people are here, could we not agree to hear why this delay is occurring? Chairman Hair said, I would recommend not. I guess if the Board wishes to —. Commissioner Rayno said, I'd like to hear. Commissioner Murray said, well, they told us at the last meeting, they made some comments and, you know, I don't know why —.

Chairman Hair said, I'll entertain a motion to suspend the rules to allow testimony. If that motion passes, then we'll —. Commissioner Rayno said, I make a motion to suspend the rules so we can hear why —. Chairman Hair asked, does that motion have a second? Commissioner McMasters said, second. Chairman Hair said, all those in favor of the motion to suspend the rules vote yes, opposed vote no. Commissioners Rayno, McMasters, Murray and Kicklighter voted in favor of the motion. Chairman Hair and Commissioners Odell and Thomas voted in opposition. The motion carried by a vote of five to three. [NOTE: Commissioners Rivers and Gellatly were not present.] Chairman Hair said, the motion fails. Commissioner Murray said, passes. Commissioner Rayno said, it passes. Chairman Hair said, I stand corrected. It passes. Okay, Commissioner McMasters.

Commissioner McMasters said, Mr. Newton, Ms. Stone, would you like to tell this Commission why [inaudible] delays have occurred. Ms. Helen Stone said, I don't know if you all received the memo that I sent you as to why the delay has taken place. County Manager Abolt said, it's in your packet. Ms. Stone said, okay, it was in your package. The MPC board wanted more clarification of the document and there are going to be two workshops. One is this Tuesday, November [sic] the 4<sup>th</sup> immediately following our MPC meeting and then the other half of the workshop will be on March the 11<sup>th</sup> at our regularly scheduled planning session. The board did not feel that they had enough information at this

time or enough clarification on the information to place their vote, and the general consensus from the board was to postpone until these two workshops could be had and that Mr. Wilson could go through the document item by item. Commissioner McMasters said, okay.

Mr. Newton said, Mr. Chairman, may I just add that that schedule would then, if adhered to, would place the item on the MPC agenda for the 18<sup>th</sup>, in which case it would be back before you on the 28<sup>th</sup> with that schedule. Ms. Stone said, and not at your next meeting.

Commissioner McMasters said, so I guess on the 18<sup>th</sup>, is that the date, Russ [Abolt]. Ms. Stone said, that's our meeting. County Manager Abolt said, that's the MPC meeting. Commissioner McMasters asked, okay, what is our first meeting? County Attorney Hart said, the 28<sup>th</sup>. Commissioner McMasters said, the 28<sup>th</sup>? County Manager Abolt said, that would be the first time it could get back to you. Commissioner McMasters said, okay. And I guess there's no way you can —, do you have any feelings about whether or not we're going to see the Southeast Land Plan then? Ms. Stone said, I think you will. It was the majority vote by the board they were not ready to place their vote at our last meeting. We have received some more testimony, more comments, more input from the public. We're just trying to make sure everyone's questions are answered, everyone's concerns are addressed, just as we did with the Islands Land Use Plan, and we want to send you something that we feel like we have completely reviewed before we voted on. Commissioner McMasters asked, but you do —, your testimony is that you will be bringing us something? Ms. Stone said, yes. It is my impression —, Mr. Newton, correct me if I'm wrong —, that the board will be prepared to vote on this by our March 18<sup>th</sup> meeting. Now, I'm not going to tell you for certain that a board member may raise some concerns that will be a majority vote. Commissioner McMasters asked, what happens academically here if your board does not pass the Southeast Land Plan? Ms. Stone said, it will come to you with the recommendation of denial. Commissioner McMasters asked, so we will get something regardless? Mr. Newton said, if this Board directs the Planning Commission to forward the draft that is in hand at that time to it for its consideration, then that would be done. Commissioner McMasters said, well, I understand that there's a draft on the table now and that there will be potentially a second draft or a second edition of it. Is it possible —, is it possible, Jon [Hart], that this Board could have both plans if they were both rejected or if one was approved and one was rejected? County Attorney Hart said, you really need to have the plan that you want to adopt in front of you so —, for consideration or rejection, and as long as you've got a plan in front of you, you know, you can talk about the plan. I'd like to think about that a little bit. You know, we've never done it that way. We usually come up with a plan and say this is a first reading on an ordinance and then sometimes y'all make directions for changes within it at the first reading. Commissioner McMasters said, I think this is a procedural question. Maybe you can respond to it in the packet, but really what we've got here in my assessment after watching the MPC tape of their meeting is that the citizens committee has put together along with staff a plan that seemingly a good number of the MPC Commissioners have serious questions and reservations about. So I'm wondering if we, when the time comes on the 28<sup>th</sup>, this Commission could actually have both plans before it. Could you respond to that? County Attorney Hart said, sure. Mr. Newton said, we can make available to you all of the drafts or any specific drafts that have gone through the process that you'd like to see. Commissioner McMasters said, okay. I'll defer —.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, yeah, Milton [Newton], you made the comment that if this Commission directs y'all to give us those drafts at our next meeting, y'all will do that. Mr. Newton said, yes, sir. Commissioner Murray asked, now what guarantees do we have that y'all will do that when we directed y'all to put somebody on a committee and y'all denied that. We directed y'all to do some other things and you denied that, and some of it's on this agenda for this meeting. Now —, so go ahead and answer that and then I've got a question for the County Attorney. Mr. Newton said, the drafts are public information and certainly this body has as much right to them as any member of the public or any member of the Planning Commission. Commissioner Murray said, okay, the question —. Ms. Stone said, to further answer your question about —, you raised another question about placing members —. Commissioner Murray said, yeah, this Commission directing MPC to do something does not mean a whole lot. Ms. Stone said, we do it by majority vote. Commissioner Murray asked, so if y'all vote not to send that over, then you won't send it if the majority doesn't want to send it to us, is that what you're saying? Ms. Stone said, if you request it as sent, whether the board —, the board can choose not to vote on it and you can still receive it. Mr. Newton said, yes.

Commissioner Murray said, okay, my next question is to the County Attorney. Would you please research by the next meeting and let all the Commissioners know what is entailed to remove a member that this body appoints to MPC? County Attorney Hart said, yes, sir. The question is to be able to remove a County appointee? Commissioner Murray said, yes. Any appointee that this body appoints to MPC. I don't think it's the same process we went through for the Board of Assessors. County Attorney Hart said, yeah. It's a creature of statute. Whatever the statute says it says. Commissioner Murray said, if the majority of this body decides we want to remove some MPC members, what do we have to do in order to do that?

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters said, yes. Mr. Nutting —, could I ask Mr. Nutting to comment here inasmuch as he's chairman of the citizens committee on this?

Mr. Sid Nutting said, as you all know, you set some deadlines for the preparation of the plan after a very extensive review of some six years. Part of that time, of course, was taken up by lack of support from the MPC for funding reasons. But in any event, it was —, evolved over a long period of time by the public, but always under the tutelage of the staff. A date that you set came and went. We produced what we thought was the best we could do with the time that we had left, and we felt pretty good about it. The staff felt pretty good about it. It was all moving along very

well until the home owners —, the home builders raised a big to-do that they didn't know what —, this was going on. And if you will remember, there was a delegation of your people, the MPC staff, the Chairman as a matter of fact, and the —, our committee that went to the home owners [sic] regarding the moratorium back in, I think, October. So they certainly knew about it that far back. But now we are delaying, delaying, delaying to get comments, and I think at this point they're returning as sent in over five letters of many pages each trying to modify this to something that suits the home builders. Now I suggest to you all that this could go on forever. We could very easily hear some time tomorrow or the next day from the environmental group or somebody else, and so you need to, if you're ever going to get to the comprehensive plan that you have funded and which is terribly needed, to get on with this. We modeled what we had done to the Islands Plan, which went through a sort of a traumatic birth as well, and we thought we had followed that very well. But now they are even questioning the Island Plan. So my point of bringing this to you all is that I'm having trouble holding my group of citizens, who are important to the state-mandated requirement that you have citizen input, together because the plan that's going to come to you will be a marked up version, seriously marked up, to accommodate what others have now at the last minute brought forward. Now I don't question that there can be —, what we did can be questioned, but one commissioner had 75 questions that she wanted to ask about alone, and Lord knows how many we will have. So what I'm trying to tell you all is that if you're in control of what's going on, you've got to realize what is happening, and I think what comes —, what will come to you is not a plan, but a revised [sic] of what we sent in so that it will be difficult for you to tell what was there before and what was there after. We can send you and we considered sending you directly from the committee what we had proposed with the staff in the first place, and perhaps we should do that. Commissioner McMasters said, Mr. Nutting, I —. Mr. Nutting said, it may be could what is modified. It may not. But it goes on and on.

Vice Chairman Thomas said, Commissioner McMasters then Commissioner Rayno.

Commissioner McMasters said, thank you. Mr. Nutting, I think we've been clear to MPC staff that we want both versions. Please feel free as a committee to forward the draft that you and staff feel most comfortable with to this Commission. Mr. Nutting said, I would like to say that draft would be the one that we went to the public with so the public thinks that's what the plan is. Now it's being modified sort of behind the scenes, and I don't think that's right. Commissioner McMasters said, I understand. I would also like to, after watching the MPC tape, I'd also like to sort of offer you my condolences and your —, and my apologies for the treatment that you and your dedicated volunteer citizen group experienced in the MPC meeting in terms of characterizations that were unkind, unfounded and unwarranted. Mr. Nutting said, I tell you, we —, that hurt, but on the other hand we've gotten very callous over six years. So, thank you. Commissioner McMasters said, thank you for your hard work on this plan. Mr. Nutting asked, anybody else?

Vice Chairman Thomas said, and then I'll come back to you. Commissioner Rayno said, yes, ma'am, thank you.

Mr. Newton said, Madam Chairman, just procedurally I just wanted to reiterate that I understand that we will forward you the committee's original recommendation plus what the Planning Commission comes up with, and also as far as today's action, we would request that you give your —, your action would be to vote to continue the public hearing to the 28<sup>th</sup>. That would save the County several thousand dollars in advertising costs.

Vice Chairman Thomas said, okay, thank you. Vice Chairman Thomas recognized Commissioner Rayno.

Commissioner Rayno said, I'd like to thank Mr. Nutting for all of his hard work. I saw the televised meeting of the MPC, and I know you don't get paid for what you do, and for them, a body that large to not even have a quorum to listen to your comments is inexcusable and unfortunate and the treatment of you was uncalled for.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, I would move that we continue this to our next meeting. Commissioner Rayno said, second. The Clerk asked, the next meeting or the 28<sup>th</sup>? Commissioner McMasters said, the 28<sup>th</sup> I think it is. Commissioner Kicklighter asked, that covers the cost? Commissioner Murray said, the 28<sup>th</sup>, yeah. Commissioner Rayno said, second. Vice Chairman Thomas said, all in favor. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

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

Commissioner Murray moved that the first reading of this item be tabled to March 28, 2003. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]

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- 2. THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY REQUESTED THAT SECTION 4-6.69B (PLANNED UNIT DEVELOPMENT-BUSINESS ZONING DISTRICT) BE AMENDED TO ESTABLISH STANDARDS FOR MAXIMUM LEASEABLE SQUARE FOOTAGE. The MPC recommended that the text of the Chatham County Zoning Ordinance not be amended at this time.**

**MPC FILE NO. Z-021030-36060-1  
NO DISTRICT - TEXT AMENDMENT**

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

\* \* \*

Commissioner Rayno said, I'd like to discuss number two please, Madam Chair. Vice Chairman Thomas asked, where is number two? I only see number one. Commissioner Rayno said, on the first readings, number two. Vice Chairman Thomas said, oh, you're back to first readings? Commissioner Rayno said, yes, ma'am. Vice Chairman Thomas said, we're on second readings. Commissioner Rayno said, we're actually on first readings. We suspended the rules on number one. Vice Chairman Thomas said, and now you're going back, okay. All right, go ahead. Commissioner Kicklighter said, we've got to suspend rules to discuss number two. Vice Chairman Thomas said, oh, yes. Commissioner Murray said, not if we're discussing it among ourselves. Commissioner Rayno said, no, we don't have to. We can talk about it. County Attorney Hart said, among yourselves, yes. Vice Chairman Thomas said, yeah, among yourselves. Commissioner Rayno said, yes, and I can ask MPC questions. Vice Chairman Thomas said, okay, Commissioner Rayno.

Commissioner Rayno asked, could you please explain why you're not wanting to enforce the concept of standards for leaseable square footage? Ms. Charlotte Moore said, this was the MPC recommendation to maintain the existing guidelines regarding square footage. It was felt that —, there was concern about potential regulatory taking of land. We have a PUD-B committee set up and there were several property owners we met with who expressed concern about that potential. MPC felt that it worked, that it currently works, that flexibility, and therefore there was that recommendation. Commissioner Rayno asked, did the property owners imply that they would forward lawsuits if it went forward? Ms. Moore said, I can't say that they did. They just expressed the concern of that potential of a taking. Commissioner Rayno said, okay. Were lawyers present in those meetings? Ms. Moore said, several of the property owners were attorneys. Commissioner Rayno asked, were attorneys? Ms. Moore said, yes. Commissioner Rayno said, I see. You don't think that —. Commissioner Odell asked, and the point is? Commissioner Rayno said, well, the point is that I don't see what's wrong with a community wanting to have clear cut rules rather than guidelines and we get wishy-washy where you have attorneys —, no disrespect, sir —, that will take that and run to court and have a field day with it. I've said it before and I'm saying it again, although I don't have a Ph.D., I do have common sense that says it's a problem.

Vice Chairman Thomas said, Commissioner Murray and then Commissioner McMasters.

Commissioner Murray said, if I'm not mistaken, we had appointed a group to meet to go through this process. What was the recommendation from that group after they had completed their meetings? Ms. Moore said, the recommendation was that the guidelines for the leaseable square footage should become standards, that that would apply only to properties —, if it was approved by the County Commission, that it would apply only to properties that were rezoned to a PUD-B or to existing properties that were expanded beyond the amounts that they were allowed previously. Commissioner Murray said, all right, and the MPC board —. Ms. Moore said, they did not approve that recommendation. Commissioner Murray asked, so the County Attorney —, I'm asking you this question —, we can adopt that as a Commission? County Attorney Hart asked, to adopt the standards? Commissioner Murray said, yes. County Attorney Hart said, yes. Commissioner Murray said, okay. I would like to see this changed at the first reading that we adopt it as standards, as that committee agreed to do, and that it go to the second reading that way.

Vice Chairman Thomas asked, any further discussion on that? Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters asked, Ms. Moore, didn't we take considerable time to have a study group pass this subject on to our consultants to the Tri-Centennial Plan? Commissioner Kicklighter asked, could I please interrupt? I don't think that's legal what we just did. I think that would take a vote to change it to the first reading. Commissioner Murray said, well, I think he's got some more testimony that would support this, too. Commissioner Kicklighter said, no, I mean, I'm saying that it would have to be a vote, not just one of us saying that. Commissioner Murray said, the body will have to vote to do it, yeah. Commissioner Kicklighter said, okay, that's what I was saying. I didn't want us to get messed up on a technicality.

Commissioner McMasters asked, Ms. Moore, what was the consultants' opinion on this subject? Ms. Moore said, the consultants, who recommended standards, they did a fairly complete rewrite of the PUD-B section. Some of their standards though that they recommended included reducing buffering that currently exists. Commissioner McMasters asked, to standards versus guidelines the consultants concur and agree that standards are preferable? Ms. Moore said, correct. Commissioner McMasters said, the study group that this Commission appointed recommends standards over guidelines? Ms. Moore said, correct. Commissioner McMasters said, but only the MPC board doesn't. Is this a correct characterization? Ms. Moore said, it is. Are we talking about standards relating only to the leaseable square footage? Commissioner McMasters said, yes. Ms. Moore said, because there was concern, too, about buffering, which is as approved by the MPC. Commissioner McMasters said, yes, the question is limited —. Ms. Moore said, there isn't a standard there. Commissioner McMasters said, I understand that. The question is simply one relative to guidelines versus standards tied to leaseable square footage. Is that a fair characterization? Ms. Moore said, yes, it is. Chairman Hair said, two out of three groups. Ms. Moore said, uh huh. Commissioner McMasters said, okay. What do we have to do legally on a motion on two? Commissioner Murray said, I think we have to make a motion to —. County Attorney Hart said, this is on —, down for first reading. You just need to say —. Commissioner Kicklighter said, that's what I thought. County Attorney Hart said, you need a motion to make a change to adopt —. Commissioner McMasters said, okay, I'd like to make a motion that we —. County Attorney Hart said, excuse me. To adopt the standards set forth here as the first reading and then you'll be opened up for discussion at the next meeting.

Vice Chairman Thomas asked, are you making a motion? Commissioner McMasters said, yes, I'm making a motion as outlined by the County Attorney that we moved to adopt standards as opposed to guidelines relative to the PUD-B category. Commissioner Murray said, I'll second that. Vice Chairman Thomas said, all in favor of the motion —, any further discussion? Vice Chairman Thomas recognized Commissioner Odell.

Commissioner Odell asked, Frank [Murray], you served on the MPC, didn't you? Commissioner Murray said, yes, I did unfortunately. Commissioner Odell asked, it's your opinion that going to the standard countywide would be better than —, I understand what Jeff [Rayno] said, but when he said it about lawyers, I kind of lost that. Commissioner McMasters said, that was just a fun thing. Commissioner Odell said, I know.

Commissioner Murray said, let me explain why I feel that way, and it's not just my opinion, it's the consultants that are being paid to go through this process for the next three years. It is also their opinion and it was also the opinion of that group that we put together to come up with this a number of months ago. But the way it's listed right now, we've got three categories of leaseable square footage. Now if somebody goes in with a plan and it's on the smaller category for the least amount of leaseable square footage, and that person decides the property is large enough they want to build a larger building that goes in the next category or even the highest category, they don't have to go back for a rezoning or anything. They can just do it. If that's the case, why do we even have the three categories in there. You know, that's where I have a problem with it. Now I do understand too that in order for this to work, they've got to change the writings and everything else within that ordinance to make it work. You can't just change that one item. But that's what I think needs to be done. I mean, I've always said that. I said it even before the Target store came up and some of the others, anytime that we've had this discussion, is that we've got three distinct categories of leaseable square footage and any other zoning we have you would have to go through a rezoning to change that. Under this, you do not, you can go to any square footage and it's not considered a zoning change. So that's where I'm coming from with it, and I think that —. Commissioner Odell said, you've explained it to me and I agree with your position. I'm ready.

Commissioner McMasters said, I call for the question. Vice Chairman Thomas said, all in favor. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

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

1. Chairman Hair read this item into the record as the first reading.
2. Commissioner McMasters moved that Section 4-6.69b be amended to adopt the standards for maximum leaseable square footage set forth herein as the first reading, as opposed to guidelines relative to the PUD-B category. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]

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3. **PETITIONER, THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY IS REQUESTING THAT THE CHATHAM COUNTY ZONING ORDINANCE BE AMENDED TO EXEMPT SIGNS THAT DISPLAY HOTEL/MOTEL ROOM RATES AND RESTAURANT DAILY SPECIALS FROM THE PROVISION THAT PROHIBITS FLASHING SIGNS, RUNNING SIGNS, ILLUMINATED SIGNS WITH MOVING PARTS, AND ELECTRONICALLY CONTROLLED SIGN FACES AND MESSAGE BOARDS. The MPC recommended that the request be denied.**

**MPC FILE NO. Z-030117-63808-1  
NO DISTRICT - TEXT AMENDMENT**

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

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Commissioner Rayno asked, can we go to number three please? Vice Chairman Thomas asked, excuse me? Commissioner Rayno said, number three? Vice Chairman Thomas said, okay, you want to go through all of them? Commissioner Rayno said, I just want to ask a question. Why did you ask for denial on signs that would offer room rates and restaurant specials, particularly for those places on I-95, along that corridor? it doesn't matter what state you go to, it's a means of pulling people off the highway to attract them, which boosts our sales tax revenue and gets them to stop here rather than going down to Richmond Hill or on down to Brunswick. Ms. Charlotte Moore said, the MPC felt that this favored only hotels, motels and restaurants, that it didn't provide equal opportunity for other businesses to have the same type of signage, and that this wouldn't apply just to the Gateway area, but to all unincorporated Chatham County, and that there were other means to advertise, such as real boards that would have to be changed manually or billboards, but there are other methods.

Commissioner Kicklighter said, this is wrong anyhow. That's not what we requested that y'all actually do. We requested that electronic stationary signs with a room rate be allowed, and y'all —, this is totally botched up from what we actually requested. Commissioner McMasters said, yeah. Commissioner Kicklighter said, we didn't want it running across, we didn't want it flashing. All our request was that if someone had an electronic room rate up there that

remains there, that that be able to stay rather than them having to get up there and paint \$35 or whatever a night, and, you know, so it's —, this is not even what we requested.

Commissioner Murray asked, why don't you make a motion to send this back to the MPC for further study, and we can do that on the first reading and not worry about it? Ms. Moore said, well, I think I should add that this also had to do with public messages and that this also wasn't a public message room rates or restaurant specials. A public message is intended to be something like time, temperature, something that's not specific to the business, and this opens it up —, it opens it up for really anything.

Commissioner Kicklighter said, okay, well, not what we're intending to do. I intend to try to make it legal for someone to put an electronic room rate on there. Not temperatures, not anything, but an electronic room rate, stationary not flashing, period. That's what we tried to accomplish because someone on 95 undoubtedly paid a lot of money, had a very nice stationary room rate and they were told they have to remove it or couldn't use it, and really that's a, for the lack of a better word, ugly enough area to, you know, when we can have nice electronic signs that's stationary rather than people painting them up or whatever. We really, you know, hurting ourselves that way. Ms. Moore said, that particular business was given the ability to use such sign, but it had to be a public message and room rates aren't public messages. Commissioner Kicklighter said, well, that's what we want to change. So that's what —, I make a motion that we send it back to the MPC to allow stationary room rates —, electronic room rates to be displayed that does not flash, run or anything like that. Ms. Moore said, well, I believe the County Attorney already provided language that the MPC felt wasn't appropriate. They made a different recommendation, but that does appear in the staff report, or the MPC —, or the staff report that came over. It sounds like it's what you're looking for.

County Attorney Hart said, on page four of the staff report I offered some alternative language that says hotels and motels may display room rates and daily restaurant [sic] specials on illuminated stationary signs that are not flashing signs, running light signs, illuminated signs with moving parts or electronically-controlled surfaces, so I think that the enactment on page four accomplishes what you asked us to do. I had modified the language from the MPC because I had some language problems with it, so I think that covers there —. You can look at it afterwards and tell me if you agree or not.

Commissioner Kicklighter said, that's —. Commissioner Murray said, just incorporate what he said into it —. Commissioner Rayno said, on the second reading. Commissioner Murray said, — and instead of denial, we will —. Commissioner Kicklighter said, okay. Well, my motion will be to incorporate what you just said into the second reading for approval. Commissioner Odell said, second. County Attorney Hart said, the concerns of the MPC in regard to these languages —, the language on these signs, you know, I can understand their concern because any time you get past size, distance, height, color, and get into content, you always are subject to a first amendment challenge and, you know, there's a —. Commissioner Kicklighter asked, could we not just say or enumerate —. County Attorney Hart said, that's why we tried to draw it so narrow.

Commissioner Murray asked, do we have to have a motion to that effect? County Attorney Hart said, no, just say you want to adopt number five on page four for first reading. Commissioner Kicklighter said, and then we have to approve that right now. County Attorney Hart said, at the next meeting. At the next meeting that will be the reading. Commissioner Kicklighter asked, so we don't have to vote on the language like we just did when we amended the other one? Commissioner McMasters said, yeah, it ought to be clear for first reading. County Attorney Hart said, yeah, from a practical standpoint it would be better to go ahead and do a motion and adopt for first reading the enacted part of page four, subsection (c) —. Commissioner Murray asked, you made a motion to do that, didn't you? Commissioner Odell said, and I seconded it.

Vice Chairman Thomas said, okay. We were in discussion. All in favor of the motion please vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

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

1. Chairman Hair read this item into the record as the first reading.
2. Commissioner Kicklighter moved to accept as first reading an amendment to Section 7-3(C)(5) of the Zoning Ordinance by adding the following language: "Hotels and motels may display room rates and restaurant daily specials on illuminated stationary signs that are not flashing signs, running light signs, illuminated signs with moving parts and electronically-controlled surfaces and message boards." Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present.]

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#### **4. ESTABLISH CHARGE FOR AVAILABLE SEWER CONNECTION.**

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

\* \* \*

County Attorney Hart said, Dr. Thomas, could I bring to the attention of the Commission that under Item 4 of first readings we did not note the first reading for the ordinance to amend the Combined Sewer and Industrial Wastewater Ordinance to provide for a sewer availability fee and we did not provide for the first reading to amend the Revenue Ordinance to provide for a sewer availability fee, and we did not amend —, read for first reading the ordinance to amend the Revenue Ordinance to charge water and sewer availability —, was that read into the record by the Chairman? The Clerk said, the Chairman read it. Commissioner Murray said, I thought that was read into the record. County Attorney Hart said, okay, I just wanted to make sure for the record it was. Commissioner Murray said, Billy [Hair] read that one. County Attorney Hart said, thank you, I appreciate that.

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

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

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## **XII. SECOND READINGS**

### **1. ~~REQUEST BOARD APPROVAL OF A PILOT PROJECT FOR INCLUSION OF LIMITED COMMERCIAL COLLECTION AT WILMINGTON ISLAND RESIDENTIAL DROP-OFF CENTER AND AN AMENDMENT TO THE CHATHAM COUNTY REVENUE ORDINANCE ARTICLE W, SECTION 2, REFUSE DUMPING FEE.~~**

County Manager Abolt said, Dr. Thomas, excuse me. Vice Chairman Thomas said, yes. County Manager Abolt said, after you read it, I'd like to have Mr. Drewry make a presentation. Vice Chairman Thomas said, thank you. Vice Chairman Thomas read this item into the record.

Mr. Robert Drewry said, good morning. I'd like for you to take a few minutes to provide some clarification to a couple of questions that were raised at the last meeting. The first question of which was up front initial cost to implement this pilot program. We're estimating about \$5,000 to start this program off. We tried to keep that as thin as we could so we didn't have to spend a lot of money up front that we don't that we cannot recapture through the pilot program. So only initially about \$5,000. Now we do recognize that it's going to increase the haul, it's going to increase the tonnages for the —, thank you —, increase the haul and the tonnages, but those costs are going to be recaptured and recouped through the contractor.

[NOTE: County Attorney Hart interrupted at this point to determine if the record had been perfected on the first reading of Item XI-4.]

Mr. Drewry said, the next thing I want to do is take you through a scenario, and I'm going to hypothetically use a company called Roofer and Sons, and the scenario is going to be this company is doing a roofing job at Black Forest Drive in Wilmington Island and today if they're going to do that roofing job and they want to haul their singles off, they've got three different options: the City of Savannah Landfill at Dean Forest Road, Superior Landfill, Little Neck Road, and Savannah Regional out on Clifton Boulevard, Gulfstream Road. The City of Savannah, as I understand, does not take individual accounts, so that one's been taken out. Otherwise, they've got to go to the west side of Chatham County. That is the current available and they can do it. They can haul it. It will take them 64 minutes round trip to go out all the way out to Little Neck Road and they'll pay a disposal cost, and we're estimating this job is going to be 100 —, excuse me, 1.5 tons of shingles. It's going to cost them \$44.13. That's the rate of \$29 per ton. Or they can take 76 minutes out of their day and go all the way out to the Gulfstream Landfill. What we're putting in front of you is an option. We're in a unique situation where the Wilmington Island has a drop-off center, it's not taking commercial contractors and —. It took commercial contractors when it was a landfill, but was closed back in the early 90's if I'm not mistaken. Since then it's residential use only. So coming from this hypothetical situation out on Wilmington Island Road, this roofer now has another option. Less than 10 miles away, a 20-minute round-trip ticket, so he doesn't have to take a whole lot of time out of his day to dispose of the shingles. The cost is —, what we're saying it's going to be \$66. That cost would include for us to haul it and for us to dispose of it in one of these two landfills. And, of course, as I mentioned up front is the initial start-up cost. That's what's in front of you today. I want to make sure everybody understands that we do not want to be Roofer and Sons first option. We just want to be an option. They have a choice, and I guess hypothetically you can say Roofer and Sons needs an estimated job out in Pooler. Well, if that's the case, then he'll carry his stuff out to the west side of town, dump it in the landfill out there, and go do his estimate before the end of the day. I have no problem with that. But this is just an option that we want to provide for small commercial businesses. The second thing is —, the third thing, as I understand, we may have a commercial contractor in the audience I believe might want to speak to this issue. Thank you.

Chairman Pro Tem Murray asked, do we have somebody in the audience that wanted to speak? Sir, if you would please state your name so they will have it for the record.

Mr. Mike Lanclos said, my name is Mike Lanclos. I own a small business called Hurricane Mike's. My whole company is myself and one employee, which is my son. For us to have to go clean across the County is a big inconvenience. Let me kind of backtrack a little bit. I've been on Wilmington Island for 13, 14 years now. I moved there in 1990, been in business for myself for about eight years. Up until I guess several months ago we were allowed to dump at the

disposal site. We were notified at —, at such time that we were making a —, dropping off a couple of pieces of sheetrock actually that we were no longer allowed to dump there, and in questioning why we were told that a gentleman had got hurt and they were suing the County and somebody had dropped an air conditioning unit and it was spraying toxic fumes and so now no one was to be allowed to dump there any more. So, in retrospect, what I dump is a door, a couple of pieces of sheetrock on occasion. I would estimate in a year's time maybe a ton in a year's time is what —, we do home repairs and small remodels, and mostly repairs, minor stuff. A lot of what we can dump there is recyclable materials and they have recyclable bins for us to use there. A real nice lady that I spoke to, Virginia Lamb —, actually, Mr. Murray, I've spoke to you on the phone, it was a while back, when this was first brought to my attention that we weren't allowed to do this any more. And can we come up with some kind of way, I mean, they've been approached about having scales put in. I spoke with Ms. Lamb about even, you know, portable scales. DOT has portable scales. They can't be too outrageously expensive. If we're to weigh in and weigh out, fine. That's fine. The problem is I live on Wilmington Island, I live in Palmetto Cove, we do most of our work on Wilmington Island, Whitmarsh Island, or whatever. I would recommend that —, I've seen a lot of people come in from downtown dumping on Wilmington Island where they should be going the other direction, and I think that's where a lot of the tonnage is coming from. Maybe some kind of card system would be enacted. I mean, just simple little plastic ID cards, checked in, checked out, and if we need to pay a fee, a yearly fee, a by-ton fee, fine. I mean, I've got no problem there. That's the cost of doing business, but for me to have to take one of my —, my son, have him drive all the way out to Garden City or Pooler to dump a door, you know, going to spend \$8 worth of gas to dump something that, you know, I mean, isn't even going to take up a corner of a dumpster out on Wilmington Island, and I just beg that y'all would help us out. I represent quite a few small businesses and a lot of them are just one person, two people businesses we're in. If we could keep it limited to small businesses and businesses that just do business or are located on Wilmington Island, that make a maximum of so much a year, I mean, we don't —, I'm not rich by any means. I work hard and I survive and that's about it, but I just ask that y'all help us out somehow. It would be much appreciated and we could continue to do business and charge our customers reasonable rates and not waste a lot of fuel, and I'm sure all of you are aware of the cost of fuel these days.

Commissioner Kicklighter said, I've got a question. Chairman Pro Tem Murray said, wait a minute. Chairman Pro Tem Murray recognized Commissioner Rayno.

Commissioner Rayno said, thank you. Some of the charges they've got here, like \$60 for a mixed load. So if you went to the landfill with like a door, a bucket of paint and something else —. Mr. Lanclos said, well, we're not allowed to dump paint. Commissioner Rayno said, well, you are if it's dried in the can. Mr. Lanclos said, yeah, well, did you ever try and do that? Commissioner Rayno said, yeah, I've tried. Mr. Lanclos said, there is a company that we do do business with that, Kevin's. They take each can for \$3. I'm more than happy to pay them to take those. And when I do big jobs, I get small dumpsters from Kevin's, okay, when I have, you know, it's going to be three or four truck loads, I get a dumpster. It's only \$75. It's considered into fee of the job we do, and he takes care of disposal for us. It's, you know, quick, easy and no problem, but a lot of my jobs, you know, two or three little pieces of trim or one door. I mean, it wouldn't even show up on the scale. Commissioner Rayno asked, don't you think a more reasonable alternative for a small businessman like yourself would be a yearly fee that would be a sticker applied to your truck so every time you drove in with that truck, you could even send an employee in, there would be no problem of you passing a card to someone else or anything like that. It would be the truck, you'd come in and dump with a set fee so you'd know what your cost of doing business was per year, whether it be a hundred bucks, I think that would be a reasonable fee for a year. Mr. Lanclos said, and I've got no problem with that either. I mean, I have to pay to go on The Landings, okay, and I have to pay to go on Dutch Island, I have to pay to go into Long Point, you know, and —. Commissioner Rayno said, but you know what the fee is per year. If you buy the sticker, you're done. Mr. Lanclos said, and it's ridiculous that I have to pay that to do business in a certain area, but, you know, that's the cost of doing business, but that's no problem. I mean, if we can come up with something that's agreement —, and I think you ought to do it like a pilot program. We spoke with Mrs. Lamb about it —, Ms. Lamb —, and let's try it for a year, let's see what happens. I know personally a lot of the gentlemen that I do business with back and forth, we do a lot of referral back and forth because we're all small businesses, most of the owners like myself go out in the field and work. I don't think they would have a problem with that as long as it's reasonable, as long as it's not an outrageous thing, but, like I said, it's kind of crazy if I'm going in with, you know, 30 pounds of stuff for it to be weighed and, you know, I mean, now you're getting into micro-management, which really gets kind of crazy. I think your idea is excellent.

Commissioner Rayno said I think for us —, for our body to move forward and vote on something like this today without having the input of business people like this gentleman here, small business people, big business owners, as part of the concept building of what you want to accomplish here would be shortsighted at best to vote today. I think if we had some public meetings and had business people there where they could offer maybe even better ideas than what we've come up with here in the short time we've talked about it, that might be the best approach. Mr. Lanclos said, and I'm in agreement with that. One thing I would like to recommend is larger contractors, and I mean large contractors, usually have to get dumpsters on their sites anyway, so basically what I'm kind of shooting for is the very small, one, two, three people employee type companies, that this would really, you know, help out. And, like I said, when I do bigger jobs, we do get dumpsters from a small company. The owner comes out and drops the —, I mean, I like companies like that. You know, you get a little bit better service. But I'm willing to work with y'all in any way, shape or form, and if we could do an advertising thing and get some contractors out there and let them know, you know, hey, maybe we can all save a little money and maybe offset the cost of having a disposal site out there, which is really convenient for the home owners on Wilmington Island especially.

Commissioner Rayno said, I'd like to make a motion that we table this and give business people an opportunity to respond to this plan, and direct the folks like Virginia Lamb to hold public meetings for businesses so they can offer their input. Chairman Pro Tem Murray asked, is there a second to the motion? Commissioner McMasters second. Can I ask a question? How would we go about —.

Chairman Pro Tem Murray said, just a minute. We're still in the process right now. We have a second to the table, there's no discussion. All in favor of the table, let's vote. Chairman Pro Tem Murray said, the table fails. All right, go ahead, sir. Commissioner Rayno said, it failed. Chairman Pro Tem Murray said, oh, it's —, it still fails. Commissioner McMasters asked, okay, where do we go from here is my next question? So, in other words, we're not even —, not even going to discuss —. Chairman Pro Tem Murray said, if you had a question, go ahead. Did you have a question. Commissioner Rayno said, oh, it just passed. Commissioner Rayno said, it's tabled. Thank you, Harris [Odell]. Commissioners Rayno, McMasters, Odell and Gellatly voted in favor of the motion. Commissioners Murray and Kicklighter voted in opposition. The motion to table carried by a vote of four to two. [NOTE: Chairman Hair and Commissioners Rivers and Thomas were not present.] Chairman Pro Tem Murray said, it's tabled, so that's no more discussion.

Commissioner McMasters said, thank you. Thank you very much. Mr. Lanclos said, thank you.

Commissioner Kicklighter asked, can I —, can I possibly make a quick comment? Chairman Pro Tem Murray said, there's no more discussion. It's a tabled item. We'll discuss it at the next meeting. I think it was a mistake, but that's —. Commissioner Kicklighter said, me too. That's all I wanted to say too. That's the advantage of being the Chair.

**ACTION OF THE BOARD:**

Commissioner Rayno moved to table consideration of a proposed amendment to the Chatham County Revenue Ordinance, Article W, Section 2, Refuse Dumping Fee, to abolish the current landfill fees and establish the fees outlined below using a prepaid card system to allow limited commercial use at a residential drop-off center. Commissioner McMasters seconded the motion. Commissioners Rayno, McMasters, Odell and Gellatly voted in favor of the motion. Commissioners Murray and Kicklighter voted in opposition. The motion to table carried by a vote of four to two. [NOTE: Chairman Hair and Commissioners Rivers and Thomas were not present.]

**Proposed Revision to Chatham County Revenue Ordinance**

**Article W, Section 2**, will be eliminated in its entirety and replaced with a new schedule.

The following will be deleted:

**Section 2 Refuse Dumping Fee**

Commercial landfill users are billed a fee of thirty-six dollars (\$36.00) per ton for solid waste deposited in County landfills. Commercial users are required to establish a landfill account and pay a deposit prior to using the landfills. The deposits range from two hundred dollars (\$200.00) to one thousand dollars (\$1,000.00), depending on the customer's type of business. Non-profit organization and other governments are exempt from the deposit requirement.

The deposit is non-interest bearing and is held until such time as the commercial user terminates landfill usage. After account termination, the deposit is applied against any outstanding balance. The remainder is then refunded to the customer.

The following will be inserted:

**Section 2 Drop-Off Center Fee Schedule**

Commercial users will be able to use the Drop-Off Center by use of a pre-paid card\* with the following fee schedule:

For clean separated recyclable loads:

Each standard pick-up truck load charge is:	\$36.00
Each trailer load charge is:	<u>\$36.00</u>
Combination of pick-up truck & trailer load charge is:	\$72.00

For mixed loads requiring landfill disposal:

Each standard pick-up truck load charge is:	\$60.00
Each trailer load charge is:	<u>\$60.00</u>
Combination of pick-up truck & trailer load charge is:	\$120.00

For clean yard waste loads:

Each standard pick-up truck load charge is:	\$33.00
Each trailer load charge is:	<u>\$33.00</u>
Combination of pick-up truck & trailer load charge is:	\$66.00

\* **Prepaid cards \$5.00/card. Replacement cost for lost card(s) is \$10.00 per card per incident.**

To estimate the dollar amount needed per prepaid card, multiply the estimated number of loads of material generated on the Island areas multiplied by the foregoing costs.

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**XIII. INFORMATION CALENDAR**

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

**ACTION OF THE BOARD:**

A written report was received as information.

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

**ACTION OF THE BOARD:**

A written report was received as information.

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- 3. **ROADS AND DRAINAGE REPORTS.**

**ACTION OF THE BOARD:**

Written reports were received as information.

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**PERSONAL PRIVILEGE - COMMISSIONER KICKLIGHTER**

Commissioner Kicklighter asked, may I make an announcement? Vice Chairman Thomas said, okay. Commissioner Kicklighter said, I'd just like everyone to know that I'm going to be co-hosting some public hearings with the four municipalities on the Westside and Russ [Abolt] and staff will be with me. In Garden City on Monday night, March 3, at 7:00, will be joint public hearings to discuss the projects listed in SPLOST. On March 6<sup>th</sup>, is a Thursday night, at 6:30 we'll have a public hearing with the Pooler Mayor and Council at Pooler City Hall. In Bloomingdale with their Mayor and Council on the 11<sup>th</sup> at the Bloomingdale City Hall at 7:00 p.m., which will be a Tuesday night, the 11<sup>th</sup>, and in Port Wentworth at 7:00 p.m., on Thursday, March 13<sup>th</sup>. So I just encourage everyone, you know, throughout the County. We'll be discussing, you know, countywide projects, but, yeah, I will be focusing in on Westside projects on that, but it will be very —, we'll give a lot of information and hopefully a big pep rally of why we should go out and vote for SPLOST coming up.

Commissioner Odell said, good job, Dean [Kicklighter].

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Odell seconded by Commissioner Kicklighter and unanimously approved, the Board recessed at 11:30 a.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 11: 55 a.m.

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**ITEMS FROM EXECUTIVE SESSION**

1. **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 Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Rivers and Murray were not present.]

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**ADJOURNMENT**

There being no further business to be brought before the Board, Vice Chairman Thomas declared the meeting adjourned at 11:56 a.m.

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

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

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