

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, APRIL 25, 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 9:30 a.m., Friday, April 25, 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
Joe Murray Rivers, District Two
John J. McMasters, District Three
Harris Odell, Jr., District Five
David M. Gellatly, District Six

ABSENT: B. Dean Kicklighter, District Seven

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

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YOUTH COMMISSIONERS

Chairman Hair introduced the following Youth Commissioners who were in attendance: Rebecca Warnock, a Senior at Providence Christian, and Krystal Wise, a Senior at Savannah High School.

Youth Commissioner Wise said, on behalf of the Youth Commission we would like to thank you and the Commission for your continued support of the Youth Commission. On last Saturday we sponsored our Sixth Annual Youth Rally at which over 100,000 [sic] people attended. We would also like to thank Outback Steakhouse, who fed over 500 Chatham County youth for free. Special thanks to our friends and Cumulus Broadcasting and E93, Rody's Music, as well as the Parks and Recreation Department, Mosquito Control Department, the Police and Sheriff's Departments,

the American Red Cross, the Voter Registration Department, Project Azuka, SAFE Shelter Outreach, and especially Elise Zador, 4-H, and the United Georgia Campaign. Thank you.

Chairman Hair said, thank you very much. We appreciate that.

Dr. Thomas said, I think she meant 1,000 not 100,000. Chairman Hair said, I thought that was a lot of people.

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MOMENT OF SILENCE — MEMORY OF JIMMY FIELDS

Chairman Hair said, for those of you who do not know I would like to announce that unfortunately Jimmy Fields passed away last night, and Jimmy was on our Board of Assessors and he also was the Fire Chief for the City of Pooler and he also was a friend of many of ours for many years. I've known Jimmy over 20 years, and I'm going to ask now that we all stand for a moment of silence in his honor. [NOTE: Everyone stood for a moment of silence.] Chairman Hair said, thank you.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. PROCLAMATION TO DECLARE MAY 5 - 10, 2003, SCOTTISH HERITAGE WEEK. MOIRA VEJAR AND/OR REBECCA SALAMANKAS WILL BE RECEIVING.

Chairman Hair read the following proclamation into the record:

WHEREAS, one of the prime reasons for the establishment of the Georgia Colony was that it would serve as a buffer between Spanish Florida and the Carolinas; and

WHEREAS, James Oglethorpe, looking for a sturdy and resolute force to man the Florida frontier, sent his agents to the Scottish Highlands where such people were to be found; and

WHEREAS, the result of his recruitment was the settlement in January 1736 of 177 men, women and children from the Inverness region, on the Altamaha River where they called their town New Inverness (now Darien); and

WHEREAS, this original group was joined by ship loads of their countrymen and formed themselves into the Highland Company of Foote and the Highland Rangers to establish patrols and outposts against incursions from Florida; and

WHEREAS, these Scottish Highlanders became General Oglethorpe's most trusted followers and were with him on every important occasion - The Treaty of Coweta, Ft. Moosta, and the Battle of Bloody Marsh in July 1742 on St. Simons Island where, with elements of Oglethorpe's 42nd Regiment, they decimated the Spanish advance guard by pushing their main force back and eliminating Spanish claim to the South Atlantic coast, forever.

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby recognize the heroic deeds of the people of New Inverness who along with the thousands of Scots who came to this area and helped in settling our great state, am proud to declare the week of May 5 thru 10, 2003 as:

"SCOTTISH HERITAGE WEEK"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 25th day of April 2003.

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Ms. Moira Vejar said, I'd like to thank Dr. Hair, ladies and gentlemen, for proclaiming Scottish Week, May 5th through May 10th. The Scottish Games are actually on May 10th at Old Fort Jackson from 9:00 till 5:00, and we would really enjoy if you all would come out and have a good time. We've got lots going on and I've got some tickets. Chairman Hair said, okay, if you'll just hand those to the Clerk and we can trust her with the Scotch too. Ms. Vejar said, you may be surprised this time. Chairman Hair said, okay. Ms. Vejar said, I'd like to thank you all very much.

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, I just want to make a comment. I certainly appreciate what you do for a variety of reasons, not the least of which is that I happen to be a first generation American. Both of my parents were born in Dundee, Scotland, and I also want to bring to everyone's attention where St. Patrick was born, which happens to be Scotland also. Again, I appreciate what you're doing and I totally support it.

Ms. Vejar said, thank you very much. In December last year I had the honor of being presented to the [inaudible] of Dundee from Scotland at a [inaudible] meeting actually, and he was an absolutely lovely, lovely gentleman. He and his wife were really superb people. I'd also like to say one other thing. Being born in Scotland, I became a U. S. citizen in June of last year, which I was extremely proud to do. Although I'm very proud of my Scottish heritage, I'm very, very proud to be an American.

Commissioner Gellatly said, I would tell you that I visited Dundee, Scotland, on two occasions and it's —, used to be an old industrial community and actually it's a city about the size of Savannah, and there is a street called Gellatly Street in Dundee. Unfortunately in the 30's that's where all the brothels were. Ms. Vejar said, no relation. Commissioner Gellatly said, no relation. Thank you.

Ms. Vejar said, thank you very much. Chairman Hair said, thank you. We appreciate what y'all do. It's always a great event for Chatham County. Thank you. Ms. Vejar said, thank you.

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VI. CHAIRMAN'S ITEMS

None.

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VII. COMMISSIONERS' ITEMS

1. TAX CORRECTION (COMMISSIONER RAYNO).

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I was wondering if there are any representatives here, actually if Joanna Johansen is here. If she's not, I'd like to table this matter.

Chairman Hair asked, anyone here? I'll take a motion to table. Commissioner Rayno said, motion to table. Chairman Hair asked, second? Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Ms. Sheryl Snider asked, the Board of Assessors? Chairman Hair said, no. Commissioner Rivers said, no, no. The motion to table carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

ACTION OF THE BOARD:

Commissioner Rayno moved to table this item. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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2. WALTHOUR ROAD DRAINAGE (COMMISSIONER MURRAY). See attached staff report.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes. I had a petition that came in a while back from a group of residents on Wilmington Island and the Public Works has been out and Engineering and looked at it and met with them and they had requested being on our agenda. Is Ms. McHugh here today? Would you like to come forward and —.

Chairman Hair said, come up to the well please and state your name for the record.

Ms. McHugh said, good morning. Mr. Drewry has already reported to you —. The Clerk said, first state your name please. Ms. McHugh said, oh, I'm sorry. Rebecca McHugh. The Clerk said, thank you. Ms. McHugh said, this situation started about three years ago and in that time it's gotten worse. Mr. Drewry arranged to have a small swale dug directly in front of my house, which is 1403. It made the flooding to 1405, my next-door neighbor, Mr. Birkenkamper, worse and after the rains are over it takes a long, long time for the water to dry up. Recently the County has placed crushed asphalt on Welch Street, which is perpendicular to Walthour Road, and that has made it even worse because now the water on Welch Street drains onto Walthour Road. Walthour Road is cracked and has been unsuccessfully repaired due to this situation. The drivers of the vehicles travel at high rates of speed, approximately 60 to 75 miles per hour even though the speed limit is 40. When they go through the water, it splashes about 10 feet into the air, making it difficult or impossible for the drivers to see oncoming traffic or pedestrians on the sidewalk. Within the last few years there was an accident in front of Mr. Echols property, which is 1407, where a truck flipped over because the driver didn't realize how high the water was. On March 7th the County placed a high water sign in front of Ms. Motlagh's property, which is 1321. Therefore, the County has recognized that there is a problem but has not done anything to correct it. Furthermore, the school bus stops each morning from across my house and the children have to wade through the water in order to get on the bus. We have children that have to play in front of our yards at our homes and since the County owns the road and the property in front of our homes, it has the responsibility to correct the situation and provide for the safety of the residents. I will tell you that the water between my house at 1403 and the house directly across from me, which is 1400, Walthour Road is totally under water when it rains as it's raining now. And that's it. Thank you.

Chairman Hair said, thank you. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, if Robert [Drewry] could —, could you —, I know you gave us a written report, and I've read that, but could you go through that again so we all fully understand what's been done and what can be done. Mr. Drewry asked, the chronology of the —, the history? Commissioner Murray said, yes. Mr. Drewry said, I'm going to do this from memory. I could get it, but back in August of 2000, it came to our attention that there was some standing water in front of 1403, and it is significant. We don't deny that. I personally have not seen the water crossing Walthour Road, but I am told that it has encroached on Walthour Road, which is why we had to put the sign up when she said we did. We've made some attempts, as she mentioned, to dig a swale down Walthour Road to —, about 300 feet down to an inlet. It was not very successful, I'll admit that. The grades on Walthour Road are very flat. There is no storm drainage at all along a lot of sections of Walthour Road, but particularly this section of Walthour. Water does pond in a lot of places on Walthour because there are no ditches and very few storm drain pipes, and it's certainly exaggerated in front of 1403 and 1405 Walthour. There is an inlet down 1407, on the far end of 1407. It's very shallow. Water is not able to be channeled to it because it's so flat, it would have to be a foot and a half deep to actually drain in that direction, and it drains out to a ditch behind their properties. There is a unmaintained conservation ditch behind the rear of these properties, but we just can't get the water to it. I think the last item on the status report indicates that I did ask Engineering to run a real swag of making a repair out there and they estimated up to \$115,000, and that's assuming that if we have to put a pipe between the yards, that it will have to be —, easements will have to be dedicated and donated to the County.

Commissioner Murray asked, how old are the homes at these addresses where the problem is? Mr. Drewry asked, I beg your pardon? Commissioner Murray asked, how old are the homes? Mr. Drewry said, my guess is probably five, six —. Ms. McHugh said, ten. Mr. Drewry said — ten, ten years. Okay. Commissioner Murray asked, do you know who the developer was? Mr. Drewry said, no, I do not. Commissioner McMasters asked, does the home owner? Ms. McHugh said, Bob Diamond. Mr. Drewry said, thank you. Commissioner Murray asked, excuse me? Mr. Drewry said, Bob Diamond. Commissioner Murray said, okay. Is there another development, a new development or anything behind these homes that has been built —? Mr. Drewry said, I believe —, The Settlement is behind you, is it not? Commissioner Murray said, that's what I thought, and The Settlement —. Mr. Drewry said, The Settlement is on the other side of the ditch behind the house. Commissioner Murray said, now when The Settlement —, did this start when The Settlement was being developed or was it doing before that or —. Ms. McHugh said, before that. Commissioner Murray said, before that, okay. I don't have any more questions right now unless —.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters asked, is —, are you the original owner of the home, ma'am? Ms. McHugh said, no, sir, I'm not. Commissioner McMasters asked, did the people you buy the home from, were they the original —? Ms. McHugh said, no, actually we're the third [inaudible]. Commissioner Thomas asked, could you come to the mike please? Commissioner McMasters asked, so did —, in your transaction, I'm just curious, was there any communication to you about a drainage problem? Ms. McHugh said, when we purchased the house, we were told that there was a, like a —, not a pond, but like a puddle, and it was a puddle when we purchased the house, but now it's gotten more than a puddle, more like pond/lake, and it's not just in front of our house. It goes —, I mean, as each year goes on, it keeps spreading further and further to Ms. Motlagh's property and Mr. Birkenkamper and, you know, it keeps going. Commissioner McMasters said, okay, and all these homes were built by the same builder? To your knowledge? Ms. McHugh said, to my knowledge. Commissioner McMasters asked, was there a —, did you get the benefit of a disclosure statement from the listing broker when you purchased the home that might have disclosed these issues? Ms. McHugh said, no. Commissioner McMasters asked, no? Okay. We have Mr. Drewry's informational facts and findings on this and it's the County's opinion here that when your lot was developed by the builder, it was intended to drain from the front to the back and evidently it does not. And that's in our opinion a builder —. Ms. McHugh said, well, the road is higher than the fronts of the lots. Therefore —. Chairman Hair said, that's consistent with what Commissioner McMasters is saying. Commissioner McMasters said, right, the flow should have gone —, yeah, the

front of your property vis-à-vis the roadway to the back of the property, and it doesn't —, and I don't know if this started with the first —, was obvious to the first purchaser or the second or being the third, but I was —, I asked this morning in our pre-meeting if we checked to see if site plans had contained grade elevations and retention systems or ever we inspected by the County to possibly afford you and other home owner's some assurance that what was submitted to fulfilled, and the information I'm receiving is that we don't. So, one, I apologize for that, and, two —. Ms. McHugh asked, you're saying that it wasn't inspected? Is that what you said? Commissioner McMasters said, that's the information that I received.

Chairman Hair said, we're not saying the house wasn't inspected. Ms. McHugh said, no, I don't mean the house. I mean —. Commissioner McMasters said, the site plan for the subdivision. Ms. McHugh said, site plan. Chairman Hair said, and we never have. Commissioner McMasters said, which, for your information, is something I plan to take up outside of this meeting and look into, but it does create a situation where your builder, theoretically here, misgraded your subdivision and caused the flow of water to go in the opposite direction than it was intended to and the direction that the County was told that it would go. Ms. McHugh asked, is there some reason that it wasn't inspected? Commissioner McMasters said, no, but I'm going to —. Ms. McHugh said, you're going to try to find out?

Chairman Hair said, Mr. Abolt —, I'm going to call on Mr. Abolt.

County Manager Abolt said, there is a reason. Essentially what you have is an issue that the County does not have the capacity nor can it guarantee on something as finite as this type of grading. As Mr. Drewry has said, and when I was out there also with the citizens, this is a very flat area, and were the County to go out there and do this type inspection, not only would it be expensive, but over the years there's no guarantee that it would stay. As the property owner just said, she's the third in line. Any property owner might come in five, ten, fifteen years from now and say, "Well, what have you done to protect drainage," and this is not a static thing. We all know that soil will move, it will pump, and all that. I mean, so they could come back and say ten years ago the County inspected this, now do something. We have no control over Mother Nature.

Chairman Hair said, and exactly —, and to amplify that there's no reason to believe that the developer didn't do exactly what he did. As Mr. Abolt just said, it could have one of the other property owners have changed the, you know, the lay of the land, and it's just very difficult. And as Mr. Abolt said, we would have to go out and inspect every property every —, once a year to make sure nothing's been done in the previous year and, you know, and we'd have to hire a hundred people to do that, and it's just something that —, and also for your information, none of the cities do it either. I mean, the City of Savannah doesn't do it and the other cities do not do that, as well. Once a developer submits a plan and it's approved, you know, that's what we assume is going to be done.

Commissioner McMasters said, in point of fact, Beaufort County does inspect their site plans and grading contours on new construction. The situation here is being the third owner, we don't know if the elevation was originally proper and conformed to what the site plan and hydrology called for. Someone may have added landscaping. The notion that a site plan is submitted and is properly produced to direct water in a certain direction is certainly the objective here. The fact that we don't at the completion of some phase of a subdivision go back and ensure that it pretty much approximates that is questions that I still have. It doesn't do you or your neighbors unfortunately any good because you are second, third, maybe fourth generation removed on this, but for new home owners, I think there might be a shortfall here.

Chairman Hair said, that will be something you can discuss at budget time. Commissioner Murray and then Commissioner Rayno.

Commissioner Murray said, I just wanted to try to explain a little bit more about inspection. Our department goes out and inspects the actual construction of the home. The developer or the contractor has to hire an engineer and that's what is given to our departments to rely on is the engineering that they say is going to make it work and they look over that and, if they agree with it, they sign off on it. But we cannot go out and inspect every individual. Why have a surveying group that are going to go out and shoot the lines and everything else to make sure that each individual lot is done properly, and I think that is to me sounds like it might be a little bit confusing. The home itself was inspected and I'm sure that the contractor or the developer's engineering was given to our County Engineering Department and they looked at it and signed off on it or made some changes and signed off on it. So it's not to say that that property was not inspected. What I would like to do is, Robert [Drewry], if you could, continue to monitor and do what you can to resolve it and then when we start dealing with the budget, we can look at it and see if we can come up with the funding to go in there and do what needs to be done if necessary, but I think we need to monitor it on a regular basis to make sure that we can do whatever we can to help eliminate what we can, and I know you can only do so much without going and doing the major drainage project, but if we could do that to help out for the time being until we can look at it and follow it a little bit more closely.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I just think we shouldn't lose sight of the fact that we live in an area that's very flat, it's below sea level in many places. The water is not going to perk down in some of the soil because it's just saturated. You can go to places in Paradise Park and dig down four feet and hit water. There's no place for the water to go and there's no amount of engineering you can do, some of the water is just going to sit there for a long period of time. It's just Mother Nature, and for people worried about mosquitos, we have mosquito-eating fish you can throw in there. I've got standing water behind my home 365 days a year and I have very, very few mosquitos. But this situation could be resolved if you folks might give an easement to go out to that back ditch and possibly allow that drainage to go in there.

It seems to me it would be a very simply solution. It might be a little time consuming or a little bit of a bother, but I think it can be worked out.

Ms. McHugh said, Commissioner Murray, you suggested monitoring the situation. For what period of time? Commissioner Murray said, right now we would not have the \$115,000 or whatever it's going to take to repair that so —, no, I think they would monitor on a regular basis for an indefinite length of time until we can decide whether we can do this or not do that and see what can be worked out to try to help with the situation. Certainly we can't say today we're going to go out and put a —, throw a drainage system in out there when we don't even have the funding to do that at this point. It's something we're going to have to look at and that's why I'd like for Robert [Drewry] —, for his department to look at it on a regular basis so we can know and they can keep us posted on what's going on with it. Not to say that we're just going to turn our backs and walk away and it's not our responsibility. That's not what we're saying. We would like to try to help where we can and I think that's the only way we can help right now is to have them do whatever they can to help alleviate some of that problem. Ms. McHugh said, okay. Commissioner Murray said, I know we've had an awful lot of rain and I know when we get Spring tides and a lot of heavy rain too, because I live on the Island, and I know we have a lot of flooding in a lot of areas. There are some drainage projects going on, but there's not one scheduled for where you are right now on that and what's happening down at the drainage projects will not eliminate the problem you're having and your neighbors are having, but at least we can go in and maybe do some other things that would help in some degree, maybe not a total fix on it right now. Ms. McHugh said, okay.

Chairman Hair said, Commissioner Rivers and then Dr. Thomas.

Commissioner Rivers said, I heard two things back in the Pre-Meeting. One was that the drainage ditch back there, there was some problems with that of getting water through it. Did I hear that or did I misunderstand? Commissioner McMasters said, the problem is getting water to it. Commissioner Rivers said, oh, to it. Okay. Has that drainage ditch been adequately maintained so that if you eventually that you do that you can —. Mr. Drewry said, my understanding of that ditch serves the back of these subdivisions and The Settlement is in a conservation easement. There is no maintenance out there. It's —, I'm going to say it's tidal, but I'm not convinced that it is. I'm not quite sure, but —. Commissioner Rivers said, so if you pump water —. Mr. Drewry said, it's not maintained. Commissioner Rivers said, you pump water back there, you may create another problem. Mr. Drewry said, the ditch drains, but it does hold water. It's got a permanent pool of water, but it does drain. Commissioner Rivers said, okay. We're looking at drainage on the Island. Has anything been addressed to Walthour Road all the long range plan? Mr. Drewry said, I don't have any long range plans all up and down Walthour. Perhaps it's time to do it now because I know there are some other problems up and down Walthour and maybe put them in a plan of some sort. Commissioner Rivers said, I would suggest that we do that and look at it how we could alleviate the problem all along. Russ [Abolt], do we have any foreseeable money in the SPLOST that's allocated to Wilmington Island or —? County Manager Abolt said, to Wilmington Island yes. A lot of Wilmington Island there, but not for this type of drainage. I'm not the engineer. Robert [Drewry] has more engineering experience than I. He actually is an engineer, but one of your major options might be the eventual improvement of Walthour where you put curbs, gutters and drainages in, but Commissioner Murray can say because he and I both live very near this site, that is a major expenditure of dollars. Commissioner Murray said, excuse me, I'm sorry. Commissioner Rivers said, I think we need to address it, I think we need to look at it on long range plus what we can do for it in the short time frame to alleviate some of the problem, but overall you're going to have to relieve the problem totally, so we need to address it and hopefully maybe we can switch some priorities.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, yes, I concur with everything that has been said. I wanted to piggyback on what Commissioner Rayno emphasized a few minutes ago about an easement. Would you consider something of that nature if that would be helpful, you know, to the situation? Ms. McHugh said, yes, I would. The only problem that I have is —, are the trees that go through there. I mean, you know, I'd have to see what the plan was as to, you know, related to the trees because they're old oak trees and I happen to like old oak trees.

Chairman Hair said, thank you very much. We will continue to monitor.

Commissioner Murray asked, could we request then that the —, Mr. Drewry's department and Engineering get together and look at the whole Walthour Road area, what we're talking about and I agree with Commissioner Rivers that we could possibly swap around some of the SPLOST money for drainage on the Islands and maybe make that a priority project rather than some of the others. County Manager Abolt said, may I offer too what we'll come back with is an amendment to the unfunded CIP so —. Commissioner Murray said, yeah. County Manager Abolt said, we never lose sight of it and then you'll have many options once it's been adopted. Commissioner Murray said, at least that way it will cure more than just y'all's area at one time. Chairman Hair said, thank you. Commissioner Murray said, but I appreciate you bringing that to our attention too.

Commissioner Odell said, Frank [Murray], any —, the subdivisions in Savannah, now that we know that there's a problem with puddling, I mean, we're taking a special look at those properties, aren't we? County Manager Abolt said, yes, sir, but again the issue because it's so flat —. Commissioner Odell said, I understand that. Commissioner Murray asked, are you talking about The Settlement behind it? Commissioner Odell said, right. Commissioner Murray said, to my knowledge there's no drainage problem on those. Commissioner Odell asked, and that Settlement didn't cause the drainage problem? Commissioner Murray said, that's what I understand. Chairman Hair said, well, that's what she —, she said it didn't change after, it was not an issue. Commissioner Murray said, that's why I asked that question. Commissioner Odell said, okay.

Chairman Hair said, thank you very much. We appreciate you bringing that to our attention very much.

ACTION OF THE BOARD:

The Public Works Department was asked to monitor the situation on Walthour Road on a regular basis for an indefinite length of time and see what can be worked out to try to help with the ponding situation; Mr. Drewry and Engineering staff are to get together to look at the entire Walthour Road area with a view of perhaps possibly swapping some of the SPLOST money on the Islands for drainage and make this a priority project rather than some of the others; and staff will place this item on the unfunded CIP for the coming budget.

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3. HOMECOMING PARADE/CELEBRATION FOR LOCAL TROOPS (COMMISSIONER MCMASTERS).

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. I have had several calls from constituents inquiring as to an interest —, expressing an interest and wanting to know if in fact the Commission had any plans to do a proper recognition of local troops on their return, and it was referenced that they were aware of Russ's [Abolt] military service as well as Al Bungard's, and since then having received those calls I asked a few people and evidently I think the Chamber of Commerce may be working on something, but I would like to think that my colleagues here are in support of such a concept and that we ask staff to kind of find out what's in the pipeline and let us know so that it can be coordinated and a very successful effort —. County Manager Abolt said, if we can find out, certainly I think it's very patriotic and appropriate to do that. Going back and many of you remember during Desert Storm and after Desert Storm there was a major function at which the County did offer some support, but it's main inertia and the volunteer hours came from the Chamber, Military Affairs Council, and things like that. But we'll be glad to inventory what we know now as to arrangements that may already be in progress. Commissioner McMasters asked, Russ [Abolt], would you inquire with the City of Savannah as well in the scope of your inquiries —? County Manager Abolt said, that would be our intent. Commissioner McMasters said, — to see what is in store there and specifically the constituents are using the word parade, so I don't want to lose sight of that.

Chairman Hair said, I would suggest, and I think it's very appropriate that we do something because some of us have bad memories about that a few years ago. I think, however, though it would be more appropriate for us to be a partner with a lot of, like the City and other agencies, rather than us do something because if you split up too many ceremonies, what you wind up is small groups of people. I think a big celebration that all of us would be participants in to me —. Commissioner McMasters said, that's what I'm suggesting —, we're suggesting. Chairman Hair said, — would be more appropriate, and I think certainly the County has an obligation and a responsibility to do that, to be a player —. County Manager Abolt said, yes. Chairman Hair said, — you know, with other players. County Manager Abolt said, you also have the issue, and Chairman Hair and Commissioner Murray are very familiar with this too, these troops when they come will not all come back at once. They'll come back in stages, so you run the risk of having the big parade that's already happened and you still have troops coming back. Chairman Hair said, and the other issue too is that you will —, you know, we're going to be there for a while, so no we're going to be into a rotation situation where, you know, we'll have troops there two or three years and maybe much longer than that. So at what point is it appropriate to do that? But I think it certainly —, Commissioner McMasters, I appreciate you putting this on the agenda —, I think it's very appropriate for us to play a part, but I would rather see us be a player of a bigger celebration than trying to do something on our own. Commissioner McMasters said, agreed.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, I agree too and I think that was —, the intent was to coordinate with the other local governments and the Chamber or whoever else is involved in it. If I'm wrong tell me, but I think your intent is to go ahead and get this moving so they can start coordinating their efforts, and I'm sure —. Commissioner McMasters said, absolutely. Commissioner Murray said, — that they'll come up with a good date to do that and, as the County Manager said, there's no way you're going to be able to do it and have all of them participate at the same time, but I think that once they look into it they can get a good date together.

Commissioner McMasters said, I just wanted to get started on it. Chairman Hair said, thank you, I appreciate it. Commissioner McMasters said, as a partner. Chairman Hair said, I appreciate you, Commissioner McMasters, I appreciate you putting that on the agenda.

Commissioner Rivers asked, can I ask a question. Chairman Hair said, certainly. Commissioner Rivers asked, Frank [Murray], didn't we have something the last time that was coordinated by the Guard and the Veterans and —. Commissioner Murray said, well, it wasn't —, I think the Guard participated. The County participated with Desert Storm also and there were some private individuals that initiated that and came to us asking for some funding and some other support, but the celebration that they had at that time was in one of the hangars out at Hunter Field and it was pretty large —, it went on for almost a whole day. Commissioner Rivers asked, can we contact any of those groups that participated before —? Chairman Hair said, I think that's what the Manager will do, Commissioner Rivers. County Manager Abolt said, I also imagine that Al Bungard, when he returns, would welcome this as an opportunity to coordinate. Chairman Hair said, okay.

ACTION OF THE BOARD:

Staff was requested to coordinate with other local governments and agencies an effort to recognize the troops on their return to Savannah.

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4. DISCUSSION ON ISLANDS/SOUTHEAST LAND PLAN (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, at our last meeting when we had I guess four hours plus of discussion on the Southeast Land Plan there was quite a bit of discussion and I think anybody involved as far as the Homebuilders' attorney, our County Attorney, certainly those of us sitting on the Commission that voted did not understand and did not know that the Islands Plan on the greenspace was a part of this because during all that discussion and our minutes reflect it in however many of a bunch of pages of comments that were made in there that will state that, that we assured the residents as they were speaking that it had nothing to do with the Islands Plan, it was totally separate from the Islands Plan and each plan was going to be different. And then after the meeting was over and after the vote, we found out from the Executive Director and another MPC staff member that in fact it did and that had been changed, and none of us were aware of it and they made no comments to that point, which I still don't understand with some of the comments that were made during the discussion. To me, it seems like they would have stepped up and said, no, this is a correction, it does involve that. We could have made the correction at that point. I had requested yesterday a list of who was notified in the Islands area about that and I've got 17 people on a list that was compiled in March of 2001, which was two years ago. Several of these people are not even involved or active in anything down there any more, several —, a couple of others have even moved out of the State. So, you know, to me that is not proper notification. I've read over the County Attorney's opinion of what has to be done and I also talked with him this morning because I felt like we could probably rescind the action that took place on the County's —, on the Islands Plan part of it and change it back, but because it's an ordinance I was told we cannot do that. Would you —, could you explain why we could not rescind that action and change it right now?

County Attorney Hart said, sure. This is a —, you amended your Zoning Ordinance and you've got to follow your procedures set forth in your Zoning Ordinance, which requires MPC recommendation back to you, first reading and second reading, and then an adoption. And to —, you changed your ordinance last meeting and in order to change it again, you've got to follow the same procedure. The Zoning Procedures Act of the State requires that also. So in the memo to y'all I have basically outlined what the law is and then tried to set forth some options, and basically if we could get some type of concurrence from the Commission today on whichever option it prefers, then I think we could send that back to the MPC with direction, you know, that we want Option 2 or Option 5 or whatever option it is with the language change, and then we ought to be able to have that back before you subject to the advertising requirements for consideration.

Commissioner Murray said, before I make a motion the other part of this was that you had during the MPC meeting before this was sent to us —, you had two MPC board members and the tape —, the video of that meeting will show it plain that J. P. Jones and Jerry Konter both said this does not include the Islands Land Use Plan and nobody said anything from MPC staff at that time and it went on through, and so we addressed it the same way. I would move that we send it back to the MPC for them to act on it at their meeting on Tuesday and send it back to us so we can start our first and second reading process. Chairman Hair said, and the motion is to —. Commissioner Murray said, the motion is to restore it back to what it was. Chairman Hair said, restore the Islands Plan back to its original wording, the Islands Plan only. Commissioner Rivers said, second. Chairman Hair said, we have a second.

County Attorney Hart said, the original was 30%. Chairman Hair said, right. County Attorney Hart said, so you want to pursue Option 1 of my memo.

Chairman Hair recognized Ms. Marianne Heimes.

Ms. Heimes said, I'll be very brief. My name is Marianne Heimes. I would just like to say if you do send it back to the MPC, please have it at their next meeting. This has just really upset the people on the Islands a great deal. There's just so many things that I could say, but I'm not going to. I do have the tape here, however, if you want to see it that shows very plainly J. P. Jones and Jerry Konter saying this should exclude the Islands Plan. The other thing is under the circumstances would it be possible to combine the first and second reading since we've all heard this to death? You cannot do that? Chairman Hair said, it's against the law. We can't do that. Ms. Heimes asked, can't do it? Commissioner Murray said, we tried to do that on some others. Chairman Hair said, the law is very clear on that. County Attorney Hart said, the City has the ability to do that, but the County does not. Chairman Hair said, the County does not. Ms. Heimes asked, the County does not? Chairman Hair said, but I think this will fix the problem, Ms. Heimes, as you and I talked on the phone. I think this will fix the problem. Ms. Heimes said, well, if you're all in favor, then it will fix it.

Commissioner Murray said, let me ask one question. Charlotte [Moore], you're the only person from MPC here, aren't you? Ms. Moore said, yes, sir. Commissioner Murray asked, there should be no problems with y'all acting on this at Tuesday's meeting? Ms. Moore said, actually the meeting is May 6th. Commissioner Murray said, May 6th. At y'all's next meeting, whenever that is, May 6th. Ms. Moore said, correct. I don't think so.

Chairman Hair said, all right, we have a motion and a second. All those in favor of the motion vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved that the Commission send the Islands Land Use Plan back to the MPC to amend the Islands Overlay Zoning District Ordinance to restore the ordinance to its original wording and put back in the 30% mandatory greenspace requirement. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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ORDER OF BUSINESS

Chairman Hair said, I'm going to ask for unanimous consent to move up the waiver of hiring freeze. We have Judge Lewis here and I'd like to act on this so Judge Lewis can go back to work.

[NOTE: The Commissioners gave consented for Item IX-6 to be taken out of order and heard at this point on the agenda.]

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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. AT MEETING OF APRIL 11, 2003, COMMISSIONER RAYNO REQUESTED THIS ITEM BE TABLED.

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Annual software maintenance agreement.	Assessor	ESRI, Inc. (sole source)	\$13,650	General Fund/M&O - Assessor

Chairman Hair said, I'm going to call on Commissioner Rayno to take the annual software maintenance agreement off the board —, off the table. Commissioner Rayno said, yeah, this is the —. Chairman Hair said, tabled item. Commissioner Rayno said, off the table please. Chairman Hair asked, second? Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

Chairman Hair said, I'll call on Commissioner Rayno to make a motion.

Commissioner Rayno said, motion to approve. Chairman Hair asked, second? Commissioner Thomas said, second. Commissioner Rivers said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present.] Chairman Hair said, the motion passes. Thank you.

ACTION OF THE BOARD:

1. Commissioner Rayno moved to untable this matter and place it before the Commissioners for consideration. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]
2. Commissioner Rayno moved to approve the annual software maintenance agreement with ESRI, Inc. (sole source) for the Assessor's office in the amount of \$13,650 from General Fund/M&O - Assessor. Commissioners Rivers and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was 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. TO PRESENT YEAR END FUND BALANCE RECONCILIATIONS BASED ON AUDIT, BUDGET AMENDMENT AND BUDGET ADOPTIONS FOR ENCUMBRANCES, INCOMPLETE PROJECTS/ EQUIPMENT PURCHASES AND FUND BALANCE RESERVES AT YEAR END 2002 FOR THE GENERAL FUND M&O, SPECIAL REVENUE FUNDS, AND CAPITAL IMPROVEMENT FUNDS; AND A GENERAL FUND M&O BUDGET AMENDMENT TO RECOGNIZE \$20,000 IN REVENUE FROM HOUSING MUNICIPAL PRISONERS TO FUND ADDITIONAL POSITIONS APPROVED AT THE APRIL 11, 2003, BOARD MEETING.**

Chairman Hair said, I'll call on Commissioner Rayno to table Item 1.

Commissioner Rayno said, based on pre-meeting discussion, motion to table this item. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present.] Chairman Hair said, thank you.

ACTION OF THE BOARD:

Commissioner Rayno moved to table to the next meeting the following: To present year end fund balance reconciliations based on audit, budget amendment and budget adoptions for encumbrances, incomplete projects/equipment purchases and fund balance reserves at year end 2002 for the General Fund M&O, Special Revenue Funds, and Capital Improvement Funds; and a General Fund M&O budget amendment to recognize \$20,000 in revenue from housing municipal prisoners to fund additional positions approved at the April 11, 2003, board meeting. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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- 2. REQUEST BOARD APPROVE A PLAN THAT WOULD ENABLE CHATHAM COUNTY TO USE SPLOST 2003-2008 FUNDS SEVERAL MONTHS AHEAD OF THE START OF COLLECTIONS IN AN ATTEMPT TO REDUCE THE BURDEN ON OPERATING FUNDS IN FY 2004 OR HELP ADVANCE THE START OF SEVERAL KEY PROJECTS.**

Chairman Hair said, I'll entertain a motion.

Commissioner Murray said, so moved with discussion. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I just wanted to make sure that everybody understands that we are not giving money upfront to the grants-in-aid group, that they would go out and can borrow the money against it if the banks are willing to do that, but we are not fronting that money.

Chairman Hair said, okay. We already have a motion. Commissioner McMasters said, I have more discussion. Chairman Hair said, certainly. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, in a brief discussion with Pat Monahan this morning I just thought I'd get from my colleagues, have we not expressed in all of our SPLOST discussions some priority status to the \$800,000 for the Board of Assessors' computer needs considering the security breaches and safeguard problems that they're having there? Chairman Hair said, I don't think anybody objects to that. Commissioner Murray said, yeah, I thought it was part of that. Commissioner McMasters said, I thought there seemed to be some lack of clarity. Chairman Hair said, I don't know why —.

Commissioner Murray asked, wasn't that included in the Courthouse renovation money, added to that? Mr. Pat Monahan said, no, sir, but that is a category. If you approve this, then we advance that. Commissioner Murray said, that's one of those items that —. Mr. Monahan said, that was a priority. I didn't understand your question because I thought you were asking something else, but this —, Commission approval today will allow us to proceed immediately with the acquisition of software and hardware. Commissioner McMasters said, very good.

Chairman Hair asked, any further discussion? All those in favor —. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, if we have a rollback on the non-profits at the fifth year of collecting that sales tax money, they have to realize there's no guarantee they're going to get any money. If they go out and take a loan, it's between them and the bank. Chairman Hair said, that's right. Commissioner Rayno said, I just want that in the minutes so that they don't come back to us and say —.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, one other thing, Mr. Chairman, one other point of clarification. On page three of this in the middle it says: "Funds could be appropriated to begin design/land acquisition of the library project(s), courthouse addition, boat ramps, Public Works project and land acquisition for Mother Mathilda Beasley Park." Where is the completion of Runaway Point Park and Tom Triplett Park, which we had identified very early on as priorities? I don't see that identified. Chairman Hair asked, Mr. Monahan? County Manager Abolt said, if I understand, Pat [Monahan], on that one there was no land acquisition involved —. Mr. Monahan said, yeah, we could add those, but the difference was that on these other projects we didn't have —, if there was land acquisition involved or if there was an extended design time, to at least start the design times so then we —, once we got the designs finished we could proceed with construction when the cash flow begins next year.

County Manager Abolt said, excuse me. I sent you information last night from Lipsey giving you the latest on Mother Mathilda Beasley Park and the information from CSX and showing what initially they were initially seeking to get for that eight acres, I believe it is, and they're going to give us the right of first refusal, but that will be key early on just to acquire the land, assuming it's suitable.

Commissioner McMasters said, okay, my question —, thank you for that. My question is about Runaway and Tom Triplett. I know it's not part of this so when does that in your estimation come to fruition? Mr. Monahan said, as soon as the cash flow begins on a regular basis, probably in June of next year, so we can —, we still have to work out the schedule on the other projects. We've not done that yet based on the cash flow. Chairman Hair said, I think Commissioner McMasters maybe —. Mr. Monahan said, you'll also note, Commissioner McMasters, on both of those projects we do have under the current SPLOST, we didn't spend all that money so we're doing restroom projects at both of those so you will see improvements at both of those parks over the next couple of months. Commissioner McMasters said, I understand that, but the constituents in my district want to know when the real deal is going to happen in that park and I told them based on the information I've received that it's going to happen if this SPLOST was approved and it would have some priority, and I know Dean [Kicklighter] isn't here, but we also suggested that the finishing of Triplett would have some priority. So, it just wasn't in here, but it still has priority. Is that correct? Mr. Monahan said, yes, sir.

Chairman Hair said, and I also suggested, you know, to solidify that even further, Commissioner McMasters, is that the staff —, we direct staff to give us a plan of when which projects are going to be built and what year, and then we would know, we'd have it in front of us and if we want to change priorities, we can. Commissioner McMasters said, okay. I'd love to have that. County Manager Abolt said, but what's happening —, that's part of the duties of Mr. Bungard in managing the overall project. We're going to do cash flow analysis, we're going to be able to come up with a reasonable expectation for projects for everybody will become available to avoid questions over the next five years.

Chairman Hair said, we have a motion and a second on the floor. All those in favor vote yes, opposed vote no. [NOTE: Commissioner Kicklighter was not present] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved to approve a plan that would enable Chatham County to use SPLOST 2003-2008 funds several months ahead of the start of collections in an attempt to reduce the burden on operating funds in FY 2004 or help advance the start of several key projects. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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3. OPTIONS ON ENFORCING CERTIFICATES OF OCCUPANCY AND THE USE OF TEMPORARY POWER.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, yes, Mr. Chairman, Dr. Thomas, gentlemen, this is an issue we've kept you posted via mail. Mr. Anderson has taken certain very justified steps to get the attention of the homebuilders that there has been abuse of temporary electrical power, a term that Mr. Anderson will use, a saw pole power versus temporary power, and what has happened in our desire to help out not just the builder but also the eventual move-in of the homeowner, to have temporary power from SEPCO is available, but in fact it's not temporary. We have had reputed abuse of the situations where some builders have elected to abuse that and people have been moved in before a certificate of occupancy was issued, which is our control document. Mr. Anderson and the County Attorney have identified certain options that will allow a much more ambitious involvement of County staff to actually manage the project that we feel initially should be managed by the homebuilder. County Manager Abolt recognized Mr. Anderson.

Mr. Gregori Anderson said, good morning. As the Chairman —, the County Manager has outlined, this has been a long-going problem for us whereby temporary power is granted as a privilege to allow homebuilders to climatize the inside of homes in order to put in wood details, wood flooring, those kinds of things to finish the houses out. We found over the years, and this is again a long, long-standing problem with us, where that temporary power is extended and closings are happening and people are moving in under the temporary power without the issuance of a certificate of occupancy. Under our current regulations, not only our department but also the Engineering Department, also sometimes, MPC, and sometimes even the Health Department are involved in that certificate of occupancy process, and what happens is once the temporary power is done and building in some cases inspection is done, other things are not finished, but the closing happens without a certificate of occupancy, so what we have done, we've rescinded the

opportunity for temporary power at this particular time. That has gotten the attention of the Homebuilders Association and we're in the process now of working out a system, and as indicated in the staff report whereby a binding somewhat of a performance bond, if you will, will be brought forward up front, and if there's any problems, any violations of the regulations, that bond could be forfeited. We're also looking at addressing this issue with the court system. Over the years we have tried to address this with the courts prior whereby builders who were in violation were subpoenaed to court and not a whole lot of help has been given to the court —, from the court system as a deterrent. We also talked to SEPCO to see if there was any possibility of turning power off if there was an illegal occupancy of the house. They were not interested in pursuing that based on the fact that if there was not a hazardous condition, there was not a life or death type of condition, they were not willing to turn off power for someone who already had power. So, that left the ball kind of in our court. So we've been working with the homebuilders over the years to do a number of things. One, we've asked them to kind of police themselves, kind of police their own constituency in their own membership to help. Not all of the homebuilders are in violation of this. We see them anywhere from 10 to 25% of the membership may be in and out of compliance with this. Some may do it on some subdivisions, some may do it on other subdivisions. We've also looked into and have implemented over the years an affidavit program within our department where the electrical contractor signs an affidavit when he requests temporary power, and he's under the understanding that that temporary power is not to be used to allow people to move in without a certificate of occupancy with the result of some legal reprisal to them. That has not been a deterrent. What we've seen here recently is not only an increase in this phenomenon, but also we have second and third generation homeowners who have closed on these houses without certificates of occupancy, their coming back to us and requesting a certificate that hasn't been issued, and this is the second and third generation owners. So we are here today to share that information with you, to bring you up to speed to where we are, and also to get some concurrence from you that we can bring back a formal proposal in 30 days, basically the second meeting in May, to let you know what our decisive process is going to be and where we can go from here. In talking with the homebuilders, they understand that this is the problem and they understand that this is a problem that needs to be addressed, and they are willing to pay the administrative fee that's referenced in the staff report to fund a staff person to manage the proposal process that will help in enforcing this phenomenon.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, I'm glad that y'all are addressing that. I know a number of years ago a person that's in the real estate business called me and I went over and looked at their listings and everything they had. I then called Russ [Abolt] and Russ and Gregori [Anderson] also went out and sat down in that office and looked at it, and it was really two things. It was, one, the certificate of occupancy was not being issued, people were living in the houses from anywhere from a year to up to almost two years in some of them with temporary power, and therefore the transfers were not going through so they were not paying the proper taxes on the property. So it's not just a temporary power issue, it's —, and y'all have addressed a lot of those and corrected, I think, when somebody moves in and how the property transfers over for tax purposes. But I think it's good that you're doing that and I would move for approval.

Chairman Hair said, well, we don't need a motion to do —. Mr. Anderson said, just give direction to —. Commissioner Murray said, well, whatever we need to do, I'd like to —.

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

Commissioner McMasters said, Mr. Anderson, I asked some time back through Russ [Abolt] that you provide me with a list of what you provide to the Board of Assessors on a monthly basis. Mr. Anderson said, yes. Commissioner McMasters said, I met with the Board of Assessors and what you provided me is not what is provided to the Board of Assessors, not that that's a problem. What is provided from your office to the Board of Assessors, Tax Assessor's office, is the pink carbon copy of permits and issuances. What you provided me was a computer-generated report. Correct? Mr. Anderson said, that's correct, yes. Commissioner McMasters said, okay. I need you to provide please the same information that you provided me along with those pink reports so that the Board of Assessors, Tax Assessor's office, has the ability to have both sets of information. Would that —? Chairman Hair asked, are you saying you want copies of the pink sheets to you? Commissioner McMasters said, no. Chairman Hair said, okay. Commissioner McMasters said, what I'm asking is the pink sheets are already going to the Board of Assessors and that's all they're getting. I want the computer printout —. Chairman Hair said, to go to the Board of Assessors. Commissioner McMasters said, yeah, so that they can reference against the pink to our computer. Mr. Anderson said, oh, I see. Okay. Commissioner McMasters said, because there's no check there. Mr. Anderson said, I beg your pardon. I didn't understand what you were requesting. We can certainly do that. Chairman Hair said, there's no problem. Mr. Anderson said, yeah, we can do that, sure.

Commissioner McMasters said, I think it's —, this problem has been going on, according to your report, since 1992. Is that correct? Mr. Anderson said, for some time, that's correct. Commissioner McMasters said, okay. When you issue a permit for a construction project, is that input into a computer? Mr. Anderson said, yes, it is. Commissioner McMasters said, okay. When you issue a certificate of occupancy, is that put into a computer? Mr. Anderson said, yes, it is. Commissioner McMasters asked, do you check your permits against your certificates of occupancy in your computer? Mr. Anderson said, no, we don't. Commissioner McMasters asked, why not? Mr. Anderson said, now what we do is when permits are issued, the computer goes —, the code allows a permit to be active as long as activity is —, construction activity consists on the site. Unless construction activity is suspended or is abandoned for six months or more, the permit is basically valid almost indefinitely so you can work on the project, but we have a system in place once that permit goes into inactivity, that's after it has no activity for six months, we have a system that goes back, that we go back and check each one of those properties, each one of those permits. Commissioner McMasters said, okay, but the ones that don't go into suspense, the ones that just move forward in a normal sequence, you don't check —, cross-check your certificates of occupancy back to your active permits? Mr. Anderson said, oh, sure. Before we issue

a certificate of occupancy we go back and check to make sure that the permit is complete, all the inspections are done and everything is achieved. As I indicated initially, not only our department is involved in that process. We have Engineering, other outside agencies. Commissioner McMasters said, well, the certificate of occupancy is not issued until those other agencies —. Mr. Anderson said, until everything is done. Commissioner McMasters said, right. The last step, right. Mr. Anderson said, that's correct. Commissioner McMasters said, all right, but what you're not telling me is whether or not you check your permit applications at some regular point or against your certificates of occupancy because I don't see how you can have this problem if that were being done. Do you understand? Mr. Anderson said, no, I'm not following you.

Commissioner Odell said, what he's saying —. May I? Commissioner McMasters said, please. Commissioner Odell said, what he's saying is that if you make them do a permit for an application and then you do a certificate of occupancy, the fallout between the two should be obvious and you ought to be able to understand quickly what properties that there are no certificates of occupancy on it, and you can date it, you can age it based upon the permit application. Is that true? Commissioner McMasters said, thank you, yes. Mr. Anderson said, okay, I understand that. The challenge is we don't know when they are considered to be finished with the project. We don't know —.

Commissioner McMasters said, you've already said that when somebody gets protracted, you evidently handle them in some sort of suspense or —. Mr. Anderson said, that's correct, and that's when we find out that there's been a violation in most cases. Commissioner McMasters said, well, how many homes —, you've got up to 25% of the builders are guilty of this. Mr. Anderson said, and the challenge for us is that we don't know there's a problem until we find out that there's a problem, so —. Commissioner McMasters said, well, we just discussed that you could know that there was a problem a lot quicker rather than waiting for the problem to come to you. Mr. Anderson said, so that we could go back and check the C/O's against the certificates —, the applications that we have in place. Commissioner McMasters said, yeah, and if you —, if you've got a permit that isn't being pushed over into the suspense file and no certificate of occupancy comes in on that, that ought to be a red flag. Mr. Anderson said, well, and it is a red flag, but certainly —. Commissioner McMasters asked, well, how do we get 25% —? Mr. Anderson said, because again we don't —, until we go back and check that six months or when the actual C/O is actually issued, then we don't know when it actually occurs. Now —. Commissioner McMasters said, well, you do, you're issuing the C/O. Mr. Anderson said, and I'm saying —, that's right, but my point is that we do not —, what you're saying, we do not do. We do not take the C/O's and go back because we just don't have the opportunity. Now when we do have the opportunity to —. Commissioner McMasters asked, could you create that opportunity? Mr. Anderson said, what we're proposing is to include that in the system that we're proposing. We can do that with the additional resources that we're talking about. Commissioner McMasters said, Mr. Anderson, I'm trying to be as objective about this as I possibly can, but here's a report that says that this is a 13-year-long problem. How long have you been head of the department? Mr. Anderson said, 13 years. Commissioner McMasters said, okay. For as long as you've been there we've got up to 25% of homebuilders eventually selling houses that don't get onto the tax digest, they're —. Mr. Anderson said, they're on the tax digest. Commissioner McMasters said, well, I think we can hear some —, we can hear from the Board of Assessors on that, and I think you'd find that, I mean, vis-à-vis they're comparable houses —, I mean, they are pretty high profile things here that give us the history and evidently we can't go back and recoup that tax money, so why have —, why have we not stopped up this problem in 13 years? Mr. Anderson said, well, we've made attempts and, again, the attempts that we've made over the years have had results, some results that are long term and some results have gone back, and that's why we're here today because after dealing with this problem and trying everything that we can do because the issue is the temporary power that we're talking about is a —, even though it's a privilege that we grant to the homebuilding community, it is something that is actually needed. Commissioner McMasters said, yes, and it's unfair to the 75% —. Mr. Anderson said, exactly, exactly. So we've tried to work this out by doing a number of different things and we have had success. Unfortunately, that success has been temporary. We've had success —. Commissioner McMasters said, well, it's been marginal. Mr. Anderson said, exactly, over the years, and so we've got to that point and that's how we got around to the point we are today. Commissioner McMasters asked, did you have the number of homes —, I mean, you've got a percentage of builders, but do you have a percentage of homes? Mr. Anderson asked, over the years that we —? Commissioner McMasters said, yes. Mr. Anderson said, we have not, you know, tabulated that, but we —. Commissioner McMasters asked, could you? Mr. Anderson said, we could, sure. Commissioner McMasters asked, would you, would you get that for me? Mr. Anderson said, yes, we can certainly do that. Commissioner McMasters said, okay, and then would it —, I don't want just the number, but I want to know addresses. Mr. Anderson said, but again the key —, the key is that, yeah, we can tabulate the ones that we do know about, the ones that we have uncovered over the years. The question is how many are out there that we don't know about? Commissioner McMasters said, right, but what Harris [Odell] was just suggesting, you ought to be able to get up real quick to a level where you know how many are out there without C/O's that maybe first, second, third, fourth generation sales. Mr. Anderson said, but again it takes resources to do that we did not have in place at the time and that's why we're requesting what we're requesting today. Commissioner McMasters said, well, you're requesting the resource to additionally, you know, administer some sort of bond program, but you've got the software, you've got the staff, you're doing the inputting for the original permits, you're doing the inputting for certificates of occupancy, you're creating a suspense bin and pushing out solved projects. In your May 2nd report I'd like to see that cross-reference that Commissioner Odell and I just talked about and a definitive number of homes that have not been given certificates of occupancy. Mr. Anderson asked, how far back do you want to go with that definitive number of homes? Commissioner McMasters asked, how about the last three years? Would that be reasonable by May 2nd? Mr. Anderson said, we can try that, sure. Commissioner McMasters said, and if it just needs to be the last two, that would be fine. Mr. Anderson said, that's fine. Commissioner McMasters said, okay. Thank you.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, you allowed the industry to self-regulate themselves and over the 13 years you've found that 10 to 25% were not in compliance. It's just kind of a rhetorical question, I wonder how many of these builders are

going to be able to follow through on a voluntary greenspace program under self-regulation under the Southeast Land Plan. I mean, if they're willing to violate State law, I'm sure they're going to be very willing to cut down a lot of trees and not worry about it. That's what happens when you allow people in an industry to self-regulate, corruption creeps into the system and things happen. It's unfortunate and sad that at the last meeting we didn't recognize that and put down some kind of a zoning law to make a difference in the Southeast. Since it's good for the Islands, I don't see why it's not good for the Southeast and I don't understand why they don't get equal protection in my district under the law. Secondly, on the issue of building permits is there a standard for where someone should put a building permit so you can see it from the street? I know that that's the one requirement, you can see it from the street, but I've driven around in my own neighborhood and sometimes it's on the one tree that's left if they're lucky to have one tree left on the lot that's being built, sometimes it's on a pole, sometimes on a stick, sometimes it's blowing around on the ground. Is it possible to standardize the location of a building permit? Not only would it be good for your inspections to save time to know where it is, but also the Board of Assessors when they send people out on the street need to see those building permits too, and they could waste 10, 15 minutes just trying to find the permit. Sometimes the people have a permit and they just haven't put it up, but is it possible because to make a standard where like you put a four-by-four pole into the ground and get perhaps one of those construction boxes that you can buy at any of the retail stores and stick it there, put the permit inside where it's weather-protected and it doesn't start rolling up and then you can put construction plans inside dealing with setbacks and things like that, which we're going to address today on second reading, so everything's in one place, everybody knows where it is and it's standard across the industry in Savannah? Mr. Anderson said, well, we've actually looked at that, Commissioner Rayno, over the years. The problem is with trying to standardize without —, to answer your first question first, the problem with standardizing the location, every site is different. Some sites have trees, some sites don't, and certainly the main challenge is when the project is coming out of the ground. When it's framed up and we've got a structure where we can attach that, that permit is —, in most cases that's where it is. If there's a tree on the site, in most cases that's where it is, certainly as the structure comes out of the ground. But if there's no trees on the site and that structure is coming out of the —, yes, there is a challenge. To answer your second question, we looked at —, and there's a number of devices that you can buy that are on the market, boxes and different types of things. We looked at that a few years ago and looked at a number of different ways to kind of help facilitate that. We looked at the cost of them and they're not cheap. We looked at us possibly buying them and rolling it into the cost of the permit and then providing them to the builders every day. We looked at that. That was unfeasible at that time based on the cost and the pure management in buying these things in bulk. We looked at the builders, you know, subsidizing and doing it on their own to provide some standardization. The question again fell back on the cost and whether having to have those on every single site. We have builders in this community that may have 20 or 30 sites going at one time or a whole subdivision. So that cost becomes, in their minds for sure, kind of cost prohibitive. Commissioner Rayno said, okay. At a minimum can we have a four-by-four pole that you stick in the ground so regardless of whether —. Mr. Anderson said, well, certainly what we do, we require them to post the permit on the site in a manner that can be seen from the street, as you indicated. They can use a pole, they can use anything that they want to use as long as they can see it from the site —, from the street, from the right-of-way. If we go to a site and the permit is not posted, the inspection automatically fails. So that becomes a deterrent for them to save time and not to have our inspectors have to come back out another day to have that permit posted the first time. Commissioner Rayno said, well, I've driven around a couple of neighborhoods and I found 10 places where the permits weren't [inaudible]. Mr. Anderson said, well, in some of those cases certainly the inspection probably was denied the first time because we do have contracts —. Commissioner Rayno said, and they were building away. Mr. Anderson said, well, like I said, they can build because a permit was issued, but I'm saying as far as getting the inspection that they require because they can't go past that certain level of inspect—, construction without the inspection at the end. Commissioner Rayno said, okay. So you don't want to standardize this is what you're saying? Mr. Anderson said, no, I'm saying that we've standardized it as much as we can. Commissioner Rayno said, and you can't put a pole in the ground? That's all I'm saying, you can't put a pole in the ground and say that's the standard? You can't do that? Mr. Anderson said, we cannot put poles in the ground. Commissioner Rayno said, I'm just saying, you can't require that, that's what you're saying? You can't standardize it. Is that what you're saying? Mr. Anderson said, no, I said we standardized as much as we can. Commissioner Rayno said, okay, so you can't make it standard? Okay.

Commissioner Rayno said, on the issue of fines the courts are not willing to go after money. Can you explain the reason why or —? Mr. Anderson said, well, I can't speak for the courts, but when this problem first come —, presented itself, the code does require and give us the latitude to issue a subpoena to court and have the courts deal with that. Years ago we tried that and the courts really were not a deterrent. Fines were not levied to keep that from happening. So that's something that we just do not pursue any further. Commissioner Rayno asked, how do we force the courts to impose a fine? County Attorney Hart said, well, you've got —, you've got a problem, and the problem boils down to —, most of the situations I've seen have been situations where the person comes in and makes the application and then at some point during construction they come in and ask for a temporary power permit and, just like Commissioner McMasters said, 75, 80% of them comply with that, and you want to do that because if you're going to put hardwood floors in or your trim and all that with the high moisture content we have here, you sort of need to dry the house out so that you can not have all the problems with the interior, drywall and cabinet work, and I think it's a totally legitimate request of the homebuilders to ask for temporary power. But what happens is the temporary —, to the non-complying builder the temporary power grant is then granted and then there's a closing, and you've always got people that want to hurry up and move in because they're moving in from out of town and they don't want to stay in a hotel. So they move into the situation and the house is then closed, and then at the point that Gregori's [Anderson] department has an inactivity on their sheet, they then go and look at it and now you've got people, innocent people, living in a house with no C/O on it, with only temporary power there. And the power company says we're not going to turn people's power off. So that leaves the County in the situation of having innocent people sitting in a house without a C/O. If you drag the innocent people down to the court, the judge isn't going to fine them for that. Period.

Commissioner McMasters asked, do we not have an ordinance that says you can't occupy without a certificate of occupancy? County Attorney Hart said, sure, but once they're in what are you going to do, go and evict them from their house. Commissioner McMasters said, we shouldn't allow them in there. Chairman Hair said, let's stay in order. Commissioner Rayno still has the floor. County Attorney Hart said, if we know about it, we don't let them in, but I'm saying to you these guys don't come to us and say I want to illegally move my people in tomorrow. Commissioner McMasters said, no, but —. Chairman Hair said, let's stay —. Commissioner McMasters said, — Mr. Anderson has the ability to —, in his system, but evidently won't begin to use it —, that gives you a permit going in and a C/O, and their ought to be some —.

Chairman Hair said, Commissioner McMasters, I'm going to rule out of order. We're going to stay in order. Commissioner Rayno, myself, Mr. Earls, Commissioner McMasters and then Commissioner Odell. We're going to stay in order here. Chairman Hair recognized Commissioner Rayno. Chairman Hair said, you've got plenty of time. We'll call on you as many times as you need to, but let's stay in order please.

County Attorney Hart said, just to complete the part about the court, our ability to bring these actions generally are in the Recorder's Court. The Recorder's Court can fine people, but they don't have injunctive power. Okay? The State Court of Chatham County does not have injunctive power. That means in order to proceed under this, you've got to file it in the Superior Court, a court of equity that has injunctive power in a lawsuit, a full-blown major, major lawsuit if you want to take injunctive power issues. And the concept here is that when the builder comes in and asks for temporary power that we make them put up a big enough bond so that they will come back to get their money back and get the C/O. Now a lot of times you can go out and talk to the homeowners and say let's go in and do a C/O to get you straightened out here, and a lot of them do it. The reason being that you've always got issues if you're in a dwelling without a C/O what is your insurance standing? So that's —, 90% of the time you can work it out; 10% of the time you have a problem.

Commissioner Rayno said, okay. So in Superior Court we can take —. County Attorney Hart said, sure. Commissioner Rayno said, builders. Now could we make that a regular procedure if we had people that are problem contractors? County Attorney Hart said, we could do that. Commissioner Rayno asked, well, what do we need to do? County Attorney Hart said, we need to file suit, get on the calendar and wait six months.

Chairman Hair said, I think that's going to be part of his recommendation, Commissioner Rayno. Okay, are you still —? Commissioner Rayno said, I'm done. Thank you. Chairman Hair said, okay, the order's going to be myself, Mr. Earls, Commissioner McMasters and Commissioner Odell. First, I'm a little confused, Mr. Anderson. I asked —, when I first became aware of this problem a few weeks ago, I asked you a question and I said what percent of the builders of guilty of this, and at the time you said to me a very small portion. And now I'm hearing 25%. Can you rectify those differences? Mr. Anderson said, well, yeah, and it is a small portion compared to —. Chairman Hair said, small is not 25%. Mr. Anderson said, when I say 25% I mean 25% have been in and out of compliance over the time frame that we've been dealing here. It may not be 25% today and when you asked —. Chairman Hair said, you're saying over nine years 25%. Mr. Anderson said, that's correct, that's true. Chairman Hair said, but today what percent? Mr. Anderson said, again, I said roughly 10% of what we know about. Chairman Hair said, okay. Mr. Anderson said, of what we know about. Chairman Hair said, my position on this is very clear. First of all, we've got a problem and we need to solve it, but what we've got to be careful of is we don't over solve. Okay? And governments have a history of over solving problems. If you've got —, whatever percent it is, 10, 2, whatever, if you've got that small percentage that's violating it, we need to deal with those builders, and to me there are two ways to deal with them. This is not rocket science here. As the County Attorney said, you know, we're require them to put up a bond when they request temporary power and they don't get their money back and then we also have a tracking system. The other way is you take and you put very severe penalties on a builder once they violate this. If you do those two things, you've solved the problem, but my concern is, is again that we don't over burden, you know, whatever percent it is, 80%, 90% of the ones that's never had a violation, been building houses here for 20 years, never had a problem, that we over burden them with something because you're trying to get at two or three bad guys, and I would hope what you bring back to us reflects that, that it's reasonable and it works and it solves the problem, but it doesn't punish the 90% that's doing it right to start with. Mr. Earls —, I'll call on Mr. Earls.

Mr. Ken Earls said, my name is Ken Earls. First, I want to thank Commissioner Rayno for his comments about voluntary compliance. Secondly, why is this just all being laid on the builders? It seems to me that this should be easily taken care of unless there's —, you've got to go through the State or whatever, at closing? The certificate of occupancy has to be at the closing, and this is the realtor's responsibility, this is the attorney's responsibility, along with the builder. Why is that not the case? Is that not State law or can we do that on a local level? Chairman Hair recognized County Manager Abolt. County Manager Abolt said, if I may, yes, that's what we tried before. Commissioner Murray will remember that too. We, in effect, have tried several things over the period that Mr. Anderson talked about, and the very thing Mr. Earls said was right on, we thought that was simple. You know, if a lending institution or the attorneys making the closing would look at that pile of paper, where's the C/O? That would solve it all. Chairman Hair said, okay, thank you, Mr. Earls? Mr. Earls said, but if it wasn't there, that would have solved the problem because there couldn't be a closing. That's what I'm saying. County Manager Abolt said, we agree with you, but the closing goes on without the C/O. Mr. Earls asked, why? Chairman Hair said, you need to ask the attorneys, Mr. Earls, don't ask us. Mr. Earls said, no, that's what I'm asking. Is that a law or is that just something you tried? That's what I'm trying to find out, or could it be made law, or is that on a State basis? County Attorney Hart said, I'd have to look at that issue. I don't know that you could enjoin an attorney from exercising the transfer of land, you know, at a real estate closing, but I'll look at that. Some of the —, probably 75% of your residential real estate closings, you know, the lender will require a C/O at closing. So, you know, you're dealing with a minority of cases.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. Following up on the fact that, Jon [Hart], you clarified for us that it is illegal to occupy a place, why can we not ask that any closing in Chatham County or create an ordinance that at any closing, on Mr. Earls suggestion and your comment that it's illegal to occupy without said certificate, why can't we have an ordinance —, can we have an ordinance that says no closings can be recorded in the courthouse without a certificate —, or completed, and I don't care if it's the recording at the courthouse of the deed or what have you, why can't we solve this by requiring a certificate of occupancy at closing? County Attorney Hart said, I'll just have to look at it. Commissioner McMasters said, okay. I want to ask Mr. Anderson a question. Does your department require framing plans? Mr. Anderson asked, framing plans? Commissioner McMasters said, yeah. Mr. Anderson said, we require as part of the drawings that are submitted for the construction, we require floor plans. We do not require framing plans per se, no. We require a wall section that shows the framing system, we require —, at a minimum now —, a wall section that requires —, that shows the framing foundation, wall and roof framing systems, we require floor plans and site plan. Commissioner McMasters said, okay, so since you require a framing section, cross-section and a roof framing, do you inspect those once that work has been done? Mr. Anderson said, yes, we do have a framing inspection, yes. Commissioner McMasters asked, you do? How long have you had a framing inspection? Mr. Anderson said, since I've been, even before I've been here. Commissioner Murray said, they've had framing inspections way back. Commissioner McMasters said, okay. Is it possible that one home would have three different certificates of occupancy? Mr. Anderson said, not on a regular basis. That would be very unusual. Commissioner McMasters asked, is there any hypothetical circumstances that you could imagine that would yield three certificates of occupancy on the same home? Mr. Anderson said, not unless there's been a corrected —, there's corrective C/O's, yes, but there's only C/O that's issued to a house. County Attorney Hart asked, how about additions? Mr. Anderson said, additions are [inaudible]. Commissioner McMasters asked, do you concur with that, Jon [Hart]? County Attorney Hart said, no, I just was wondering whether additions fell into that category? Mr. Anderson said, no. County Attorney Hart asked, it doesn't? Commissioner McMasters said, I drove around with Commissioner Rayno with the list that you —, computer list that you provided me. Okay? About two or three hours looking at new subdivision construction, and I think Jeff [Rayno] will affirm this. Roughly 35 to 40% of the job sites that we went to had no permit posted. Commissioner Rayno said, yet they had inspection stickers on their plumbing and things like that. Commissioner McMasters said, no permit. No permits were posted at 35 to 40% of the jobs and we spent almost three hours in five different subdivisions. Now I understand that you've got some sort of confidence in the system that the next time you come out for an inspection and if the permit's not there, you catch it, but when the Tax Assessor's office is out doing neighborhood re-vals or new construction starts, they need that permit there, and if that permit isn't there, they don't have a chance to pick up that property. So I think it would be —, every time a home gets sold out there that does not go onto the tax digest, this County is denied the taxation to run our libraries, to fund our police and to do the business of the people of Chatham County. I just implore you to rethink and find some solution for a standardized permitting process, preferably I would suggest at the builder's expense because it's minor —. Mr. Anderson asked, you're talking about a posting process? Commissioner McMasters said, posting process absolutely because it's not only your department —, I understand your department has confidence in the fact that your next visit on inspection is going to catch it, but while you're waiting to come back out —, to be called back for an inspection or re-inspection, the Tax Assessor's office may —, might very well be out there doing re-vals or new construction review and there's no permit. So do you see that the absence of the permit not only affects —? Mr. Anderson said, yeah, and I understand that. I certainly understand that. What we certainly can do and even —, whatever system we put in place, and certainly we will be glad to look at a system —. Commissioner McMasters said, okay. Mr. Anderson said, — if you will, for a standardized posting, but the challenge is, yes, when we go out there, if we find out that it's not there, then we have a recourse. Commissioner McMasters said, right. Mr. Anderson said, but if they go out and the permit is not there —. Commissioner McMasters asked, what should they do? Mr. Anderson said, — they could call us. Now, that's what I was going to suggest because they have no recourse, and I understand that, but we have —, I have not heard that that's been a problem. Commissioner McMasters asked, well, do you realize they'd be calling you almost 40% of their visits in the new construction areas? Mr. Anderson said, but the challenge is this is the first time I've heard that that's been a problem from the Tax Assessor standpoint because no one has ever called me from the Tax Assessor's office saying that, Greg [Anderson], we can't find these addresses.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I don't think that this is a problem that we need to prevent the transfer of land. I think we already have the information, and the information is that as an attorney if I close a piece of property, I have the PIN identification for that property and I file the deed with the Clerk of Superior Court. Here's a thought. Each transfer of property that's recorded in Superior Court, they must have a listing of that property that it's been recorded. What I don't understand is why a report is not generated on all transfers of property with that property value and give it to Inspections so that you can go on your list and say: they've got a permit, but they do not have a certificate of occupancy; red flag, let's do something. Mr. Anderson said, that certainly would help, yes. Commissioner Odell said, we don't need to do anything except may a request. Concurrently, if we would send it to the Tax Assessor, who would say: vacant property now a \$300,000 house; let's reduce the tax burden to Harris Odell because he's got a child in college and he's a blue collar lawyer; let's go charge them some taxes. We could do that. We have the information to do that. We don't need to look at injunctions, all we need to do is communicate, which we don't do. Any deed that's filed, Jeff [Rayno], they have to file it because, you know, in the olden days they'd say a lady had her deed stolen by the bad guy, well in this day the deeds are recorded so we know that. We know that. They need to be producing a report and he needs and the Tax Assessor needs to tell what information they need and the format and we need to do something historic and what we need to do is we need to act as one body and not separate little islands and we need to come up —. I close a little property, it's not the lawyer's job to police. We've already got the information. Let's have a report on every piece of property that's closed. Let them know so that they know that it's their obligation to look and if there's no certificate of occupancy on this property, we can send concurrently that information to the Tax Assessor and it has to have value. It has to have a value the house sold for. Any time that there's any kind of deed, whether it be a gift deed, that is an opportunity which we can get to. I don't understand how we can not know instantly

—, if we have a permit and there's no certificate of occupancy, I don't know how we can not know that. That ought to be something —, it should not be discovered. It should be information that's readily reported. That's a red flag so that people can go and investigate. Going the Superior Court route, that is a long haul. You would have to add to enforce this to look at what legally they have to do. I mean, the reason they put it through Superior Court is Superior Court is a court of equity and the reason —, the other side is going to have at least six months from the date of filing to file discovery, that process is too long. This is a shorter process. What I suggest is that Mr. Anderson before he comes back in however many days that it is, that he meets with the Clerk of Superior Court, that a representative from the Tax Assessor's be in that meeting, that the problem which is one of our major concerns, we don't want to be the bad guy and evict the poor homeowner who moved in without a certificate of occupancy. We don't want to do that so we've got to know it as quickly as possible. Recorder's Court I think can impose fines. County Attorney Hart said, they do, they can impose fines, but sometimes the build will just pay the fine. Commissioner Odell said, yeah, but see, here's perceptually the difference. Every day that you go where you have violated the law is a new violation. So if the max that we can fine is \$1,000, if you do it for 10 days and it's 10 separate offenses and it's \$10,000, the error rate would be zero and the court would understand those circumstances where there is an error rate. But the error rate would be zero because where people have no incentive to correct a problem where it may happen, I can quickly move this property, let them worry about it, we don't need to get into that phase. What we do need to do is Mr. Anderson to meet with those departments so that our systems are one. He could get the information and he knows instantly about occupancy, he knows instantly about transfer of property.

Chairman Hair recognized County Attorney Hart.

County Attorney Hart said, I'm sure the County Inspections Department is not perfect. I don't know anybody that is. But I think overall they do a pretty fair job on the notification side of that, and I haven't heard a lot of complaints, unless it's been in the last several months, on the reverse of that. I do —, I have had complaints about C/O's coming out of the municipalities. We don't have a triggering mechanism. Our Inspections Department will send it, but if it's a Pooler Inspections Department or Port Wentworth Inspections Department, you know, they don't have any obligations to send us that additional information.

Commissioner Odell said, let me ask you a question. But if I buy a piece of property in Pooler, Pooler has no court of equity. I still file that in Superior Court. County Attorney Hart said, correct. Commissioner Odell said, so Superior Court is the key to determine the information because all property in this County has to be filed there. So I'm not saying we need to bypass the municipality, but the municipality does not have to tell the Tax Assessor's office that a piece of property was sold in Pooler. We can make that determination at the point of filing. That information should go for all property closings to the Tax Assessor's. The Tax Assessor's —, when the property —, when the deed is filed, and it's not a big deal. They have to generate the information anyway. Why not provide that information with PIN identification to the Tax Assessor's office. If they don't want to tell us, good. Commissioner Rayno said, if we can make that an electronic transfer so they don't have to re-input that data that would save productivity. Commissioner Odell said, yeah. Chairman Hair asked, Commissioner Odell, are you through? Commissioner Odell said, yeah, but I'd like to have two —, I think that some of the Commissioners' ideas would be good if it works, but mine, if we could have one or two people who could —, who might want to sit in to give some input when we had the meeting, I don't think that would be intrusive. I wouldn't want it to be intrusive, but it might get some different ideas. County Attorney Hart asked, for how much? Commissioner Odell said, there's going to be a meeting —. County Manager Abolt said, they'll start in the Superior Court —. Commissioner Odell said, right. County Manager Abolt asked, is that your meeting? Commissioner Odell said, right. If a Commissioner wanted to sit in on that meeting, just to sit in realizing that —, would that be a problem? Commissioner McMasters said, Harris [Odell], I'm willing.

Chairman Hair said, Commissioner, you know, I —. Commissioner Odell said, the only reason why I said that, Billy [Hair], is that —. Chairman Hair said, I just think that's —. Commissioner Odell said, I think that —, I think that by having the opportunity to do that, everyone has an opportunity to be a part of the solution. Whatever plan comes to us, this is not a —, this is not where we have to take sides or positions. I think everyone here solely wants to solve the problem. If everyone has a chance to input, then the solution that we ultimately get hopefully we can see a 9 to 0 vote. That's —. Chairman Hair recognized Commissioner Gellatly. Commissioner Murray asked, a 9 to 0 vote? Commissioner Odell said, yeah, 9 for us and 0 against.

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, thank you. Commissioner Odell said, I'm not certain if I'm getting Billy's [Hair] vote. Chairman Hair said, no, you don't have my vote. Commissioner Gellatly said, thank you. What I'd like to suggest is that I have every reason to believe that this is not a unique and unusual problem to Chatham County, and I would like, rather than trying to reinvent the wheel, I would like for us to maybe check with either three or five of the fastest growing counties or cities in the State of Georgia and see how they resolved this type of a problem. Maybe we can use LOGAN, the computer system, to find that out. Mr. Anderson said, thank you.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rayno said, Commissioner Odell covered just about what I was going to say. Just correlating it and getting to the bottom of this thing.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, I won't talk this to death, but I have three things and, Harris [Odell], thank you for that insight on that. Let me ask you to troubleshoot another problem because you're obviously good at it. One of the

issues that we're experiencing is that a builder will build sometimes, and I'm not saying rampant, but we have found situations where a builder will build three, four or five homes on one building permit. That's not going to get picked up on the C/O filing at the County Clerk's [sic] office. So posting, regular standardized posting would help somewhat to eliminate that. But we do have that occurring and I don't know what Mr. Anderson could possibly do about that except maybe regular postings. Either the Tax Assessor's office occasionally picks that sort of stuff up. Commissioner Odell asked, may just I respond to John [McMasters]? Chairman Hair said, certainly. Commissioner Odell said, what we could do, John [McMasters], is —, and this is just off the top —, if you come into the Tax —, come into the Inspections and say I have a lot and I'm going to build one house and you go out and build four houses, in that situations that that occurred, first a building permit should be an affidavit, and here's why it should be an affidavit, and may Jon [Hart] can go along with me on this. Basically what you've done if you get a permit to build one house and you build four, you've committed fraud. County Attorney Hart said, correct. Commissioner Odell said, if they have to sign an affidavit, I'm going to build one house period, and I go out and build four houses on that one permit, then I am guilty therefore of a felony, and it's not a civil matter, and we never have that builder to worry about because that builder would have committed a criminal act of committing fraud on that affidavit. So if they had an affidavit that they had to sign, simply changing the form, and get a notary, I think the price of poker has gone up. Commissioner McMasters asked, so is that an instruction to ask Jon [Hart] to take a look at formulating an affidavit language on the application for the permit? Commissioner Odell said, yes, that would zero that out. Commissioner McMasters said, okay. County Attorney Hart said, yeah, and if Commissioner McMasters has this situation where three or four permits, I'd be very interested in seeing it because I'd like to follow up to see how they did that.

Commissioner McMasters said, secondly, I know the Board of Assessors has expressed some interest in possibly being software compatible with Mr. Anderson's office, and since they're looking in the near future of upgrading and switching over to an entire new software system, the ability to have the permits and the C/O's that we're currently manually sending over there, I would like to ask Mr. Anderson to work very closely and cooperate fully with that acquisition process, that RFP for the Board of Assessors software so that that information can flow instantaneously over there. Mr. Anderson, would you do that? Mr. Anderson said, yes, sir. Commissioner McMasters said, okay.

Commissioner McMasters said, the other thing and last thing is I'll tell you that there has been better participation from the smaller municipalities in forwarding their certificates of occupancy, but some have ignored it to the point where we now —, the Board of Assessors is now filing freedom of information requests to get the information, Harris [Odell]. Commissioner Odell said, that's amazing. Commissioner McMasters said, that is amazing. I won't name the municipality, but how do we solve that problem? County Attorney Hart said, well, there's not a direct way to do it. That was the suggestion I made when the —. Commissioner McMasters said, I know, you —, at the Board of Assessors' meeting. County Attorney Hart said, — the thing came up. We don't have the ability to force another municipal clerk or agent to do something, but, you know, as odd as you want to make it and as difficult as you want to make it, the Board of Assessors monthly could file for freedom of information requests that they do have to comply with, but it's a pain.

Commissioner Rayno asked, why don't you offer them an olive branch and say we'll give you —, pay for the license for them to have the software that we're giving for our own municipality and say we'll give this to you if you start complying and use the software and flow the data into the Tax Assessor's office. County Attorney Hart said, you could certainly ask that.

Commissioner McMasters said, but the municipalities look to us so much for SPLOST, for all these other things, yet on a simple thing like trying to get C/O's passed over once a month manually, they're not complying all the time. Commissioner Rayno said, maybe we should ask for State legislation —. Commissioner Odell asked, well, wouldn't our having the deed of transfer, wouldn't that let us know? County Attorney Hart said, the deed of transfer is fine for, you know, I sell my house to your house type situation or I'm going to go out and buy a lot at Runaway Oaks or something, but when I go to refinance it to do the actual construction, that wouldn't necessarily trigger —, you don't know whether it's a refinance or whether it's an actual construction with that little card up there. I think this Clerk of Superior Court is sending copies of the deeds up to the Board of Assessors. I'd have to confirm that, but it's my understanding that that's been a practice for a while. Commissioner McMasters said, not to my knowledge. County Attorney Hart said, okay. Commissioner McMasters said, but I'll ask about that. The other thing, Harris [Odell], is —, and maybe Sheryl Snider can comment on this —, but if —, your tax is due as of the first of the year, so it is possible and, for instance, an \$800,000 house is going to pay about \$9,000 in County taxes. If you just wait until January 2nd to file that, you've skipped a whole year of rightful tax. So you just wait to file it. I don't know if there is anything you can do about that. I mean, but that's the effect. Sheryl [Snider], isn't it —. Ms. Snider said, I'm sorry. Commissioner McMasters asked, isn't it true that tax —, taxation, property taxes value is set at January 1st of each year? Ms. Snider said, that's correct. Commissioner McMasters said, okay. So if someone files —, buys a piece of property and doesn't file it until June, they're only going to —, that had it and lived in it since January 1st —, they're only going to pay taxes for the second half of the year. Ms. Snider asked, if they bought it in June or didn't file the deed until June, I'm sorry? Commissioner McMasters said, didn't file the deed until June. Ms. Snider said, well, we —, if it was a property that existed in the digest the prior year —. Commissioner McMasters said, no, a new home, I'm sorry. Ms. Snider said, okay, a new home. Then we might not know about it if that deed was not recorded, so it might be the next year before we actually picked it up if there was a gap in us picking that deed up. County Attorney Hart said, or a refinance might —, that might also happen. You buy the lot, you know, and over six months you pay for the lot and then you go in and refinance and put a construction loan on it —, if it's a construction loan, they might —, got a good chance to pick it up, but if it's an owner build situation, they're not going to pick that up.

Commissioner Rivers asked, what I'm getting is that the cure-all for this is going to be a certificate of occupancy. Is that what I'm getting? Commissioner McMasters said, a prompt one, yes. Commissioner Rivers said, okay. How can we readily correlate between you three bodies, as Harris [Odell] said? How can we correlate it that we get that

certificate on time? Can we tighten that up, Greg [Anderson], to the point that we can get that certificate of occupancy on time? Mr. Anderson said, certainly the —, certainly if you get —. Commissioner Rivers said, if you correlate through all the court's filing —. Mr. Anderson said, yes. Commissioner Rivers said, your inspections —. Mr. Anderson said, I think what Commissioner Odell presented is very valuable and is something we will pursue to sit down with the Tax Assessor's office, Superior Court, and come up with a system whereby we can get information and share information. I think that is the key that's lacking right now that could tighten and do exactly what you're proposing. Commissioner Rivers said, okay. That's fine with me. The other thing is, you know, I hate all these confrontations because if it's a sign that we want stuck in the ground, four by four or however the requirement is, then that question I would refer to Jon [Hart] can we do it or can we make it mandatory that builders do that so that those signs would be visible when they pick it up. Simple. If we can do it, we do it. I ain't asking nobody can we do it, I'm directing that we do it. County Attorney Hart said, we can tighten up the posting language and if you wanted to drive a, you know, a four by four or two by four or whatever, it needs to be something that everybody understands what their responsibility is. You have to draft it clear enough, but you know you put a contingency in there that until that's up you're not going to do any inspections on the property. Commissioner McMasters said, well, that's how it currently —. Commissioner Rivers said, how do we want it done, okay. How do we want it done. Now if you've got a better way to do it, then I want it stated that we've got a better way of doing it, and we direct staff to do it, and it's as simple as that. All this stuff back and forth, we can resolve a whole lot of things. We just direct staff what we want done, right or wrong.

Vice Chairman Thomas recognized Commissioner Rayno.

Commissioner Rayno said, just so we're clear on the municipalities, I think offering the olive branch of we're going to be using this licensed software, you can flow the data in, and the reason for doing this, it's a safer activity, number one, and, number two, there's no input problems because they're not re-keying data, it's just going in so you start to eliminate errors. If that doesn't work, the freedom of information thing is a huge loss of productivity. We might need to go, and I don't know if we can —, Mr. Hart might be able to address it —, but maybe we could go to the State Legislature and require municipalities to transmit that data. There may even be a law on the books that says that they have to, and if they're violating that law, then we need to let them know what the consequences are because they are affecting the tax digest. County Attorney Hart said, you can do it by general legislation. Commissioner Rayno asked, general legislation? Nothing would have happened this year anyhow. County Attorney Hart said, your chances depend on what year you're in.

Commissioner Odell asked, can we not have that thought lost, but have it go to —. Commissioner McMasters said, the legislative delegation meeting —. Commissioner Odell said, — something that we are going to do. You know, it's a good idea. I don't want the idea to be just in the minutes, but if we could put a time table of 30 days so that something comes back. If they're not going to —, I think it's hideous for us to have to file a freedom of information. You know, they come here and they want us to be generous as far as the LOST negotiations and SPLOST —. Commissioner Rayno said, we bought them a bridge, Wild Cat Bridge. Commissioner Odell said, — you know, and this is the information that we need, and it's a legitimate request. So, if they're not moved to do it, let's look at legislation that they do it.

Vice Chairman Thomas recognized Commissioner Murray. Commissioner Odell said, I'm sorry, Frank [Murray].

Commissioner Murray said, Mr. Anderson, a while back when Mr. Udinsky was still in the Tax Assessor's office we got memos back and forth about the changes that were being made to correct some of these problems. Has that not corrected the problems? Obviously it has not. Mr. Anderson said, well, certainly the sharing of information, certainly getting the issuance of the C/O's to the Tax Assessor's on the front end, and then a copy of the C/O's to the Tax Assessor on the back end was implemented at that time. That solved the problems that we had with them determining when their process starts and when their process should end. So that has been implemented and from what I understand that is still a working solution. Commissioner Murray asked, the problem you're having now is not being able to get the information to do C/O's to begin with? Mr. Anderson said, issuing a C/O on the back end and then close out the project.

Vice Chairman Thomas asked, is there any further discussion? We do have a motion on the floor, but I do not have a second.

Commissioner Murray said, well, I don't know that we needed a motion. From what I understand, I think they pretty much know what they need to do. The only thing I'd like to say is I appreciate this Commission for now helping to try to address this problem. It's been going on for quite a while and it's been frustrating trying to work through it and bring it up and not get anywhere, but I think now we've got the support of the Commission to do something and a lot of good information, so I appreciate that. I don't —, Russ [Abolt], unless we need a motion I don't think we —. County Manager Abolt said, no, sir, not this time. This was just for information. You were showing your support. I'll concur with what Commissioner Murray said. Having this type of resolve and, you mentioned a 9-0 vote, but having this type of support, it's very easy when you [inaudible].

Vice Chairman Thomas said, okay, so staff understands the direction and you're supposed to go and we want you to move very expeditiously on that and move forward with it so that we can resolve this problem. Thank you.

ACTION OF THE BOARD:

Staff was instructed to set a meeting between the Clerk of the Superior Court, Building Safety & Regulatory Services and the Tax Assessor's office regarding the flow of information between the three departments on deeds recorded,

building permits issued and certificates of occupancy issued, and the County Attorney's office will review language for standardizing the posting of the building permits.

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4. PUBLIC HEARING ON RECOMMENDATION TO DENY A NEW BEER AND WINE RETAIL LICENSE FOR 2003. PETITIONER: JUDY YOUNG, D/B/A QUACCO DISCOUNT, LOCATED AT 10-D QUACCO ROAD. [DISTRICT 7.]

County Manager Abolt said, this is a public hearing. Mr. Anderson will begin.

Mr. Gregori Anderson said, yes, this is a petition before you today for a new wine and beer retail license at the subject address. We'll let the —, the staff report indicates that this was a location that had a previous license in it and the previous license owner has had legal problems with the Police Department. That's included in the staff report, and I'll let them go into detail on their position.

County Attorney Hart said, just one second. Mr. Anderson, for purposes of the record, protection of the record, I have a copy of a letter dated March 20, 2002 [sic], advising the owner of the revocation of license and denial of liquor license to Ms. Judy Young at Quacco Road, sent by certified mail. Was —, did your staff in fact do this? Mr. Anderson said, yes, we did, sir. County Attorney Hart said, thank you. I'd like to enter that into the record as Exhibit 1.

Commissioner Murray asked, can I ask a question? Vice Chairman Thomas said, yes. Commissioner Murray asked, do we have to listen to the testimony from the police —? County Attorney Hart said, yes, sir. Commissioner Murray asked, — in order to deny it? Is that right? County Attorney Hart said, yes, sir. Commissioner Odell said, it just cleans up the record. County Attorney Hart said, it'll be brief.

County Attorney Hart said, please state your name for the record. Captain Bob Merriman said, yeah, I'm Captain Bob Merriman, Chatham County Police. Commissioner Odell asked, what's that last name again? Captain Merriman said, Merriman. County Attorney Hart asked, Captain Merriman, were you involved in an investigation pertaining to a commercial —, request for a liquor license at a location on 10-D Quacco Road? Captain Merriman said, yes, the department was, yes, sir. County Attorney Hart asked, does that property come with some history with it? Captain Merriman said, yes, sir, it does. County Attorney Hart asked, could you very briefly and to the point tell the previous history? Who was the previous owner of that license? Captain Merriman said, Mr. Bill Singh. County Attorney Hart asked, and did Mr. Bill Singh on March 3, 2003, plead guilty to commercial gambling on plea agreement in Superior Court of Chatham County? Captain Merriman said, yes, he did. County Attorney Hart said, and I'm going to introduce copy of that plea agreement [Exhibit 2]. On March 3, 2003, did Mr. Bill Singh also plead to a second count of commercial gambling at that location and premises as the license holder? Captain Merriman said, yes, he did. County Attorney Hart said, and I'm going to enter a copy of that plea agreement into the record [Exhibit 3]. Subsequent to that, did a Ms. Judy Young apply for a liquor license? Captain Merriman said, yes, sir. County Attorney Hart asked, in accordance with procedures that are normally carried out by the Police Department, did you investigate the authenticity and the information that was placed on the application for the liquor license? Captain Merriman said, yes, sir. County Attorney Hart asked, and what were your findings investigation? Captain Merriman said, well, let me go back for a little bit of history on this thing. We conducted this investigation back in May of 2002 at David's Discounts. Subsequent to that we did do a search warrant where we recovered money and subsequently Mr. Singh was indicted. Then, of course, he did plead guilty. Then on Ms. —, and part of that indictment was to release the business and any transactions in Chatham County, not have any further businesses at all in Chatham County. Ms. Young comes forward, there's a bill of sale between the two of them, but no money exchanged hands. So, suffice it to say, that we believe that there's a nominee being placed in Mr. Singh's place and that he would have control over this, which is against —, which is against the plea agreement in itself. County Attorney Hart asked, it basically is the position of the department that this application for license by Ms. Singh [sic], constitutes a subterfuge to do business in the name of another party? Captain Merriman said, most definitely. County Attorney Hart said, okay, go ahead and proceed with the rest of your testimony. Captain Merriman said, and of course basically that is the extent of what we determined, and Ms. Young has not come forward to be interviewed by the department. County Attorney Hart said, okay. Did you make an —, did the department make an appointment with Ms. Young to be interviewed? Captain Merriman said, yes, sir, with Sgt. Kennedy from Internal Affairs. County Attorney Hart asked, did she keep that appointment? Captain Merriman said, no. County Attorney Hart said, thank you.

County Attorney Hart said, please introduce yourself to the Commission. Sgt. Warren Kennedy said, Sgt. Warren Kennedy from Chatham County Police Department, Internal Affairs Division. County Attorney Hart asked, Sgt. Kennedy, did you in fact follow-up and do some additional investigation in regard to this matter? Sgt. Kennedy said, yes, I did. County Attorney Hart asked, and did you approach on March 6th the Dyches Realty and spoke with a Marie Danos pertaining to this property? Sgt. Kennedy said, yes, I did. County Attorney Hart asked, and did you inquire as to the lease of this property? Sgt. Kennedy said, yes, I did. County Attorney Hart asked, and did you find out as a result of your inquiry as to whether Ms. Young in fact had a lease on the premises? Sgt. Kennedy said, and she did not. County Attorney Hart said, okay. And did you find out in fact that Mr. Singh, the previous owner that has already entered a plea to two counts of gambling and under the plea agreement agreed not to do business in Chatham County any more, is currently paying the rent on that property? Sgt. Kennedy said, that's correct, he is. County Attorney Hart asked, do you have anything else that you would like to offer the Commission? Sgt. Kennedy said, only to state that Mr. Singh did contact Mr. Dyches. He made an appointment that he would come in. [Inaudible] ownership of the

business, and he made an appointment a couple days after he spoke to Mr. Dyches but he never made the appointment, he didn't keep it. County Attorney Hart said, also at the time you went out and investigated this matter at Dyches, did Dyches as the realtor or as owner of the property or representative of the owner of the property, were they even aware that Ms. Young was operating a business out of that premises? Sgt. Kennedy said, they were not aware of it. County Attorney Hart said, thank you.

County Attorney Hart said, for the reasons in the record, we would move at this time for the Commission to exercise its discretion under the Alcohol Ordinance and deny the petitioner's license.

Commissioner Rayno said, so moved. Commissioner Murray said, second. Vice Chairman Thomas said, all in favor of the motion. Opposes. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

Commissioner Rayno moved to **deny** the petition of Ms. Judy Young, d/b/a Quacco Discount, located at 10-D Quacco Road, for a new beer and wine retail license for 2003. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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5. BOARD CONSIDERATION OF A REQUEST TO WAIVE LATE PENALTY CHARGE OF \$25 FOR A TARDY BUSINESS LICENSE, YANCY FARMER, SKIDAWAY ISLAND PROPERTY & LAWN MANAGEMENT, INC., LOCATED AT 4 CANNON LANE. [DISTRICT 4.]

Commissioner Murray asked, can I ask a question —? Vice Chairman Thomas recognized Commissioner Murray. Commissioner Murray said, — before we get started. Is Mr. Yancy or anybody representing him here? No one's here? [NOTE: No one responded.]

Commissioner Murray said, I move that the request be denied. Commissioner Gellatly said, second. Vice Chairman Thomas said, all in favor. Opposes. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

Commissioner Murray moved to **deny** the request to waive late penalty charge of \$25 for a tardy business license for Yancy Farmer, Skidaway Island Property & Lawn Management, Inc., located at 4 Cannon Lane. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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**6. REQUEST FOR WAIVER OF HIRING FREEZE:
PROBATE COURT - DEPUTY COURT CLERK II - ONE (1) POSITION**

Chairman Hair asked, does anybody want to make a motion on the waiver?

Commissioner Odell said, I'll make a motion to —. Commissioner McMasters said, second. Commissioner Odell said, waive the hiring freeze so that they can hire the Deputy Clerk. Chairman Hair said, second. Any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present.] [NOTE: Commissioner Kicklighter was not present.] Chairman Hair said, the motion passes. Thank you, Judge. We appreciate you being here, sir. Commissioner Odell said, remember how easy it was, Harris [Lewis]. Chairman Hair said, thank you.

ACTION OF THE BOARD:

Commissioner Odell moved to approve the request for waiver of the hiring freeze and authorize the Human Resources to advertise the following position: Probate Court - Deputy Court Clerk II - one (1) position. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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X. ACTION CALENDAR

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

Vice Chairman Thomas said, we will go to the Action Calendar. Would anybody like to pull anything? Commissioner Murray said, I'd like to pull Item #1. Vice Chairman Thomas said, #1. Commissioner Rayno said, #10 please. Vice Chairman Thomas said, okay. Commissioner Murray said, and then also E. Vice Chairman Thomas asked, E? Commissioner Murray said, E. Vice Chairman Thomas said, okay, Item E. All right, any others? Commissioner Murray said, and F. Vice Chairman Thomas said, and F. Number 1, 10, E and F. Commissioner Rivers said, so moved the balance. Commissioner Rayno said, second. Vice Chairman Thomas said, all in favor. Opposes. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

Commissioner Rivers moved that the Action Calendar be approved in its entirety with the exception of Items 1, 10, 11-E and 11-F. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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

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**1. APPROVAL OF THE MINUTES FOR THE PRE-MEETING AND REGULAR MEETING OF
APRIL 11, 2003, AS MAILED.**

Commissioner Murray said, I don't have a problem with the pre-meeting. I do, however, have a problem with the regular meeting, and it's on page 56. Vice Chairman Thomas asked, this was pulled off? Commissioner Murray said, yes. And where I have a problem with this is we got in some confusion after the Southeast Land Plan vote where two of us changed our votes. They said that Commissioner Rayno did not change his before the five/four vote was called and everything refers to the Chairman saying a five/four vote. Even in the County Attorney's opinions, it says five/four vote in one area and then comes back and changes to a six/three vote. We can't have it both ways, and I realize that if I voted on the prevailing side, which the minutes reflect, then I could have asked for reconsideration. However, I do know that the votes are not going to change and, if I could even do that, we would have the same five/four vote if we had everybody here, and I know that I cannot ask for consideration based on what I'm hearing because I did not verbally ask for it with all the confusion going back and forth of whether we could do it or not do it because the Chairman consistently said that it was a five/four vote, and it's all based on that. So based on that information, I would request that my —, the minutes reflect that my vote was a "No" vote, not a "Yes" vote. Vice Chairman Thomas said, okay.

County Attorney Hart said, there would be no problem with amending the minutes. It would not affect the outcome of the vote and Commissioner Murray could in fact make that request as a matter of privilege.

Commissioner Murray said, that's what I just did. Vice Chairman Thomas said, okay, thank you.

Commissioner Odell said, we still need to approve it. Commissioner Murray said, yeah. I move that the minutes be adopted as amended. Commissioner Rayno said, second. Vice Chairman Thomas asked, any questions. The motion

carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

Commissioner Murray moved to approve the minutes of the pre-meeting and regular meeting on April 11, 2003, as amended, to reflect that Commissioner Murray's vote on the Southland Land Plan, page 56, was a "No" vote and not a "Yes" vote and that the motion carried by a vote of five to four. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD APRIL 2 THROUGH APRIL 15, 2003.

ACTION OF THE BOARD:

Commissioner Rivers moved that the Finance Director is authorized to pay claims for the period April 2, 2003, through April 15, 2003, in the amount of \$2,169,669. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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3. TO PRESENT TO THE BOARD AN ANNUAL RESOLUTION TO REAFFIRM THE NECESSITY OF THE E-911 AND WIRELESS ENHANCED E-911 CHARGES.

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the annual resolution reaffirming the necessity of the E-911 and wireless enhanced E-911 charges. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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4. TO AMEND THE FY2003-2004 BUDGET ADOPTION CALENDAR, AND TO PRESENT A CONTINUING RESOLUTION FOR FISCAL YEAR BEGINNING JULY 1, 2003, THROUGH JUNE 30, 2004, FOR BOARD APPROVAL TO ENABLE THE COUNTY GOVERNMENT TO OPERATE UNTIL THE FISCAL YEAR 2003-2004 BUDGET IS ADOPTED.

ACTION OF THE BOARD:

Commissioner Rivers moved to amend the FY2003-2004 budget adoption calendar and approve the continuing resolution for fiscal year beginning July 1, 2003, through June 30, 2004, to enable the County Government to operate until the fiscal year 2003-2004 budget is adopted. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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5. TO PRESENT THE 2003 MILLAGE LEVY CALENDAR TO THE BOARD FOR APPROVAL, AND TO PROVIDE INFORMATION ON GEORGIA CODE SECTION 48-5-2-1 ON "ROLL-BACK RATE."

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the 2003 millage levy calendar and approve the scheduling of a meeting to discuss compliance with the rollback requirements if the year 2003 millage levy will reflect an increase over the rollback millage rate in accordance with O.C.G.A. § 48-5-32. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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- 6. **REQUEST BOARD APPROVE A REVISED AGREEMENT WITH GDOT FOR THE ABERCORN INTERSECTION IMPROVEMENTS AT APACHE AVENUE, LARGO DRIVE, TIBET AVENUE, OGLETHORPE MALL AND DERENNE AVENUE. [DISTRICT 1, 5, 6.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve a revised agreement with the Georgia Department of Transportation (GDOT) for Abercorn intersection improvements at Apache Avenue, Largo Drive, Tibet Avenue, Oglethorpe Mall and DeRenne Avenue. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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- 7. **REQUEST BOARD APPROVAL OF A RESOLUTION TO ENTER INTO AN AGREEMENT WITH GDOT AND CHATHAM COUNTY AS SPONSOR OF THE COASTAL GEORGIA GREENWAY PROJECT STP-0000-00 (538), P.I. NO 0000538, A MULTI-USE TRAILS PROJECT. [ALL DISTRICTS.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve a resolution to enter into an agreement with the Georgia Department of Transportation and Chatham County as sponsor of the Coastal Georgia Greenway Project STP-0000-00, P.I No. 0000538, a Multi-Use Trails Project. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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- 8. **REQUEST BOARD APPROVAL TO ENTER INTO A GRANT AGREEMENT WITH GEORGIA EMERGENCY MANAGEMENT AGENCY (GEMA).**

ACTION OF THE BOARD:

Commissioner Rivers moved to approve entering into an agreement with Georgia Emergency Management Agency (GEMA) in the amount of \$49,030, whereby CEEMA will act as Subgrantee under the Local All Hazards Emergency Citizen Corps/Community Emergency Response Team Agreement to accept and manage all funds associated with the grant. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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- 9. **TO DECLARE AS SURPLUS A SUBSTANDARD-SIZED VACANT LOT IN THE CITY OF SAVANNAH ON RAILROAD STREET AND AUCTION THE COUNTY’S INTEREST IN THIS PROPERTY HELD BY TAX DEED. [DISTRICT 5.]**

ACTION OF THE BOARD:

Commissioner Rivers moved to declare as surplus a substandard-sized vacant lot in the City of Savannah known as 0 Railroad Street and auction the County’s interest in this property held by tax deed, described as “Lot 49, Block C, Hopkins Park, Southover People Subdivision,” and further identified as PIN 2-0593-24-007. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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- 10. **REQUEST FOR TRANSFER OF BEER AND WINE RETAIL LICENSE FOR 2003. PETITIONER: JIM ALLEN SHEFFIELD, JR., D/B/A SANDFLY CONVENIENCE #8, LOCATED AT 1 DIAMOND CAUSEWAY, SUITE 11.**

[DISTRICT 1.]

Commissioner Rayno said, I just wanted to take the time to publicly thank Mr. Sheffield. He's one of the leaders in making sure that underaged youth in Chatham County do not drink, and he professionally trains all his staff members to card everybody that comes into his store to buy alcohol regardless of their age, and he's a wonderful addition to that neighborhood, and I'm looking forward to going over there and shopping. I make a motion for approval. Commissioner Murray said, second. Commissioner Gellatly said, second. Vice Chairman Thomas said, all in favor. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Jim Allen Sheffield, Jr., d/b/a Sandfly Convenience #8, located at 1 Diamond Causeway, Suite 11, for transfer of beer and wine retail license for 2003. Commissioners Murray and Gellatly seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. John Deere turf utility tractor and attachments to be used at the Soccer Complex	Parks and Recreation	Hendrix Machinery (FBE)	\$19,900	SPLOST (1993-1998) - Soccer Complex
B. Purchase and install 114 additional sprinkler heads and valves for the Soccer Complex	Parks and Recreation	Land Tek, Inc.	\$24,840	SPLOST (1993-1998) - Soccer Complex
C. Final renewal option to the annual contract to provide oils and lubricants and to recognize a 10% manufacturer imposed price increase	Fleet Operations	Barrett Oil Distributors, Inc.	Varies by item	General Fund/M&O - Fleet Operations
D. Professional services contract for providing professional Services During Construction (SDC) of the Pipemaker's Canal Widening Project, Phase I	SPLOST	EMC Engineering (sole source)	\$279,202	SPLOST (1998-2003) - Drainage - Pipemaker's Canal
E. Revenue generating contract with renewal options for four additional one year terms for concessionaire, custodial and security service provider	Tybee Pier and Pavilion	Sweet Dreams Ice Cream	Annual revenue to County \$21,407	Revenue Producing
F. Renew insurance coverage for County owned/maintained property located on Tybee Island	Finance	Arch Specialty Company	\$35,260	Insurance and Surety Bond premiums

As to Items 11-A through 11-D:

Commissioner Murray moved to approve Items 11-A through 11-D. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]

As to Item 11-E:

Revenue generating contract with renewal options for four additional one-year terms for concessionaire, custodial and security service provider; Tybee Pier and Pavilion; Sweet Dreams Ice Cream; Annual revenue to County \$21,407; Revenue Producing.

Commissioner Murray said, the reason I wanted to pull that is this —, the way our contracts are written they come up every year for automatic renewal, but it comes back to the Commission each year for us to approve that automatically. Is that correct? Mr. Michael Kaigler said, yes, sir. Commissioner Murray asked, and this contract's written the same way? Mr. Kaigler said, yes, sir. Commissioner Murray said, okay. I just wanted to make sure that it did come back because I would like to track the revenue producing that it comes in as we say it's going to come in and this contract does work. So —, but even on another note on here, do we have —, who is responsible for emptying and cleaning the trash containers and stuff like that after people have receptions or the people fishing on the pier and put fish or fish parts or whatever, bait and stuff in the trash containers? Mr. Kaigler said, under this contract the vendor will be responsible for that. Commissioner Murray asked, will those containers be contained out —? Mr. Kaigler said, yes,

sir. Commissioner Murray asked, — from time to time and not just emptied, but cleaned out to keep the odor down there? Mr. Kaigler said, yes, sir, he's responsible for all that maintenance down there. Commissioner Murray asked, and we will have somebody, County staff, that will from time to time go by and inspect and make sure those things are done? Mr. Kaigler said, yes, sir. Mr. Lipsey has —, I think Mr. Bryant checks that on a regular basis.

Commissioner Murray said, okay. I would move for approval. Commissioner Rayno said, second. Vice Chairman Thomas said, all in favor. Commissioner McMasters said, I have a question. Maybe I can ask staff after we approve it. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried.

Commissioner McMasters said, thank you, Dr. Thomas. Michael [Kaigler], I'm very pleased to see that seemingly we've managed to take this from negative operating to a positive operating, and do you remember back when this subject was —, these bids were discussed that without a resolution we asked that on all concession operations that your minimum bids be set at such a level so as to try and cover all County operational costs? Mr. Kaigler said, yes, sir, I remember that, discussing that and we will attempt to do that. Commissioner McMasters asked, are you continuing to do that? Mr. Kaigler said, yes, sir, and in the cases where we can identify all the costs and set up a minimum bid, we will do that. Commissioner McMasters said, okay. Thank you.

Commissioner Murray said, let me ask one more question too. Who is responsible for promoting different functions and things on the pavilion, pier and pavilion? Who would —, I mean, who would promote the pier and pavilion that it's there, it can be leased for receptions and other things like that or other functions? County Manager Abolt said, the only promotion I've seen, it is generic, would come from the Chamber of Commerce and what they do on facilities' availability. Now whether the City of Tybee augments or the Tybee interests, I'm not aware of that unless Mr. Lipsey is. Commissioner Murray asked, well, couldn't we work through our media support —? County Manager Abolt said, Mr. Monahan —. Commissioner Murray said, and some other things to try to promote —. Mr. Lipsey said, it's part of that now. They show that on the government channel now that it's there. We've been approached by an outside vendor to do a website there which if he decides to go through it, we'll bring that back to you at no cost to the County, but right now it is on the government channel. Commissioner Murray said, okay because I just feel like if it's promoted that the pavilion can be leased for parties or receptions and things like that and that we could do some other things too; however, at the same time we can't enter into something that's going to interfere with the contract that the vendor has.

Commissioner McMasters asked, Mr. Lipsey, do you know because I have —, I think I have seen the Channel 16 tidal slide on it about it being a facility, but I don't remember any language about it being available as a rental venue? Is that language there? Mr. Lipsey said, the mere fact that —, there's no active campaign to promote the Tybee Pier, but as part of one of our programs and as part of our fee structure, it's listed there, which is also on the website. But there's no active campaign to promote it. Okay? It is part of that. Commissioner McMasters said, your suggestion to —, I think is —. Commissioner Murray said, my suggestion —. Commissioner McMasters said, — to announce it's —, that it's available above beyond just the fixed asset as a chance to go fish off the end of the pier. I think it's a —. Mr. Lipsey said, as I said earlier, we've been approached by vendors to include Tybee Pier on a regional website. Commissioner McMasters said, that's fantastic. Could you get with Pete Nichols and have that tidal slide augmented or amended to better communicate more actively the availability of the pier as a rental opportunity? Mr. Lipsey said, that's fine. Thank you. Commissioner McMasters said, thank you.

Vice Chairman Thomas said, thank you.

As to Item 11-F:

Renew insurance coverage for County owned/maintained property located on Tybee Island; Finance; Arch Specialty Company; \$35,260; Insurance and Surety Bond premiums.

Commissioner Murray said, Russ [Abolt], my question on that is I was looking at the list of properties that we have on Tybee Island —. County Manager Abolt said, yes, sir. Commissioner Murray said, we've got a \$525,000 building, Library. County Manager Abolt said, yes, sir. Commissioner Murray said, \$525,000 personal property, Library. The one that I question is the \$446,000 building, water tower. What water tower do we own at Tybee? The City of Tybee owns those water tanks —, water towers. It's got a listed price of \$446,250. County Manager Abolt said, let me get Mr. Voelker down here. Pat [Monahan], would you make a call to Chuck [Voelker] upstairs to verify this. I don't know if it's the antenna. We'll come back to you right away, sir. Commissioner Murray said, and then we've got the building with the pavilion which we know where that is and then property —. County Manager Abolt said, and you'll note also that we're not going to —, we don't recommend the terrorism coverage. With your permission, if you pass it now and by the time you finish with Second Readings we'll have the answer. It's up to you. Commissioner Murray said, well, I just —, let's just hold this, table this until they come back on that and find out what that water tower is.

* * *

County Manager Abolt said, Dr. Thomas, we do have the answer. Mr. Voelker is here. He reports, as I initially just guessed at and it was a good guess. This is equipment on top of the water tower. It's the 800 MHz equipment on top of the water tower. Commissioner Murray said, oh, it's the equipment on the water tower and not the water tower itself. County Manager Abolt said, it's not the water tower itself. Commissioner Murray said, okay, that answers my question then. Move for —.

Commissioner McMasters asked, are we sure that the value is accurately reflected as that equipment and not part of the structure? Mr. Voelker said, the value was provided to me by ICS. It was strictly the communications equipment and had nothing to do with the water tower. Commissioner McMasters said, great.

Vice Chairman Thomas said, all in favor of the motion. The Clerk said, excuse me, I don't —, I do not —, my notes do not reflect that there was actually made to approve —. Commissioner Murray said, I move for approval. Commissioner Rivers said, second. The Clerk said, thank you. Commissioner Murray said, and we've got a second. Vice Chairman Thomas said, all in favor of the motion. Commissioner Murray said, and it was a unanimous vote. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Commissioner Murray said, of course, there's only six of us here, but it was a unanimous vote with six.

ACTION OF THE BOARD:

- 1. Commissioner Murray moved to approve Items 11-A through 11-D. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]
- 2. Commissioner Murray moved to approve Item 11-E. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Kicklighter were not present.]
- 3. Commissioner Murray moved to approve Item 11-F. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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XI. FIRST READINGS

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

None.

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XII. SECOND READINGS

- 1. **PETITIONER, DOWNER K. DAVIS, JR., AGENT (FOR ROBERT B. REDDING, OWNER) IS REQUESTING REZONING PROPERTY LOCATED IN SOUTHWEST CHATHAM COUNTY, SOUTHWEST OF CANEBRAKE ROAD ON THE NORTH SIDE OF BASIN ROAD FROM PDR-SM (PLANNED DEVELOPMENT RECLAMATION SURFACE MINING) AND R-A (RESIDENTIAL AGRICULTURE) ZONING CLASSIFICATIONS TO R-1 (ONE-FAMILY RESIDENTIAL) AND R-A (RESIDENTIAL-AGRICULTURE) ZONING CLASSIFICATIONS. THE MPC RECOMMENDED APPROVAL OF A REZONING OF A PORTION OF THE SUBJECT PROPERTY (PIN 01-1029-02-001) FROM PDR-SM TO R-1. DENIAL OF THE PORTION OF PIN 01-1029-02-001 REQUESTED TO BE REZONED FROM PDR-SM TO R-A; HOWEVER, APPROVAL OF A REZONING OF THIS PORTION FROM R-A TO R-1-A (RESIDENTIAL-AGRICULTURE-LIMITED). APPROVAL OF REZONING FROM PDR-SM TO R-1 FOR THE PORTIONS OF THE SUBJECT PROPERTY IDENTIFIED AS PIN 01-1029-02-018 AND PIN 01-1029-02-019. APPROVAL OF A REZONING OF AN ADJACENT PROPERTY (PIN 01-1029-02-020) OWNED BY THE PETITIONER BUT NOT INCLUDED IN THE PETITIONER'S REQUEST FROM R-A TO R-1-A.
MPC FILE NO. Z-030214-41420-1
[DISTRICT 6.]**

Ms. Charlotte Moore said, basically the petitioner right now has that property, 33 acres, and would like to develop it for single-family residential and a portion to —, for duplexes. Petitioner is in agreement with the recommendation by MPC.

Commissioner Rayno asked, were any of the properties used as dumping grounds for like construction materials? Ms. Moore said, not to my knowledge. There is an existing single-family residence and one of the larger parcels was used for a borrow pit, and that operation has since ceased. Commissioner Rayno asked, so the borrow pit it's not a lake, there's no salt or organic chemicals or anything that would produce methane gas? Ms. Moore said, at this point we're looking strictly at a rezoning [inaudible] the property is developed and those issues might be discovered, if there any. Commissioner Murray said, I have no problems with it. Ms. Moore said, there were close-out documents for the borrow pit operation as well, and I probably should say that.

Commissioner Rayno said, it's your district, David [Gellatly]. Commissioner Gellatly said, I recommend approval. Commissioner Murray said, second. Vice Chairman Thomas said, all in favor. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

Commissioner Gellatly moved to **approve** a portion of the petition of Downer K. Davis, Jr., Agent (for Robert B. Redding, Owner), requesting rezoning a portion of the subject property (PIN 01-1029-02-001) from PDR-SM (Planned Development Reclamation-Surface Mining) to R-A (Residential-Agriculture); **denial** of the portion of PIN 01-1029-02-001 requested to be rezoned from PDR-SM to R-A and **approval** of a rezoning of this portion from R-A to R-1-A (Residential-Agriculture-Limited); **approval** of rezoning from PDR-SM to R-1 for the portions of the subject property identified as PIN 01-1029-02-018 and PIN 01-1029-02-019; and **approval** of a rezoning of an adjacent property (PIN 01-1029-02-020) owned by petitioner but not included in petitioner's request from R-A to R-1-A. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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2. THE BOARD OF COMMISSIONERS IS REQUESTING THAT THE CHATHAM COUNTY ZONING ORDINANCE, SECTION 9-3.1C, BE AMENDED TO REQUIRE THE IDENTIFICATION OF PROPERTY LINES AS PART OF THE PERMITTING PROCESS FOR THE DETERMINATION OF BUILDING SETBACK REQUIREMENTS. MPC FILE NO. Z-03026-554977-1. NO DISTRICT - TEXT AMENDMENT - UNINCORPORATED AREA

Commissioner McMasters said, move for approval with discussion. Commissioner Murray said, second. Vice Chairman Thomas said, all in favor —, oh, you wanted to discuss it. Commissioner McMasters said, discussion. Vice Chairman Thomas said, okay, discussion.

Commissioner McMasters said, and this question I don't think is you, Charlotte [Moore], but Gregori's [Anderson] and Jon's [Hart]. On the background page it says would require property lines to be marked prior to a foundation, slab, or footing inspection by the County. In the text language change it says prior to the issuance of a building permit, the Department of Building Safety and Regulatory Services shall determine the need and method for marking property lines and/or easements; the developer or his contractor shall be responsible for marking these areas on the property. Does —, is there anywhere in this some assurance or mandate that we've marked —, have we put them in the right spot? County Attorney Hart said, I mean, that's the surveyor's —, that is what the surveyor does, put the monuments in the right spot. Commissioner McMasters said, I'm not talking about delineating the property lines. County Attorney Hart said, yes, sir. Commissioner McMasters said, if we're going to pour a slab or a foundation —. County Attorney Hart said, correct. Commissioner McMasters said, — within those marked boundaries —. County Attorney Hart said, correct. Commissioner McMasters asked, — are we inspecting that, that slab or that foundation fell within that boundary as prescribed? County Attorney Hart said, that's what the purpose of this ordinance is, it's to give us a measuring point so it's not a guessing game as to whether it violates the 30-foot setback and it's actually 28. Commissioner McMasters asked, so there is some mechanism now that these lines will be delineated, it will actually inspect once the foundation and the slab is poured or set, that it fell where it was supposed to fall as marked? Mr. Anderson said, we actually make that inspection before the concrete is poured. Commissioner McMasters said, I understand that —. Mr. Anderson said, okay. Commissioner McMasters said, I mean, what they've done is they've bunch of holes and put a bunch of iron in. County Attorney Hart said, correct. Commissioner McMasters asked, how do you know that that didn't move? Mr. Anderson said, well —. Commissioner McMasters said, you don't. Mr. Anderson said, once we've inspected and they've poured, obviously we come back at another interval for another inspection and if —, to answer your question, we don't know. I mean —. Commissioner McMasters said, that was the —, that was part of the purpose of —. Mr. Anderson said, the thing is we won't know unless we're standing there when they pour the concrete, and that's something that —. Commissioner McMasters said, well, no, I mean, you're going to come back for a framing inspection —. Mr. Anderson said, and that's going to —. Commissioner McMasters said, — and you're going to come back for an electrical inspection. County Attorney Hart said, right. Commissioner McMasters asked, could we not have some —? County Attorney Hart said, we assumed that if they dig it out and if they put the rebar in and they put the gravel in, that their intention is to pour the concrete in that spot. Mr. Anderson said, and the issue is there's nothing to be gained to move it once that inspection is —.

Commissioner Rayno said, I think what he's saying, they might add another addition onto the footing after the first inspection's gone and cleared for the pour, and then the go and build another [inaudible] and put some more rebar in and —. Mr. Anderson said, okay, I understand the question now. Commissioner McMasters said, or they push the

distance back to get a smaller setback. I mean, is there —, why can't we ascertain on the —. When in the sequence after foundation, what's your next normal inspection after that? Mr. Anderson said, the next one is the framing inspection. Commissioner McMasters said, framing. Could we not on the framing, since we're going to this length to get the foundation and slab put in the right spot, could we not check on —. Mr. Anderson said, we can verify it, sure. Commissioner McMasters said, on the framing that, hey, it didn't move, it didn't expand, it got poured where the holes were dug and the iron was planted? Mr. Anderson said, we can do that, sure. Commissioner McMasters said, okay. Thank you.

Vice Chairman Thomas said, okay. All in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

Commissioner McMasters moved to approve an amendment to the Chatham County Zoning Ordinance, Section 9-3.1C, to require the identification of property lines as part of the permitting process for the determination of building setback requirements. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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XIII. INFORMATION CALENDAR

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

ACTION OF THE BOARD:

A written report was received as information.

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

Commissioner McMasters said, Russ [Abolt], on the Information Only items —. County Manager Abolt said, yes, sir. Commissioner McMasters said, and I mentioned this to my fellow Commissioners before, every single meeting there winds up being a Whitefield tract \$9,999 thing that gets on there for field survey of areas identified by Sligh Environmental using GPS technology and drawing of surveyed area for the borrow area of the mitigation site. That sure sounds a lot like what we approved the prior meeting. Well, we didn't approve it because this is under \$10,000, and I cautioned everyone that this particular site keeps having \$9,900 approvals. Russ [Abolt], is —, do you want to wait until Al [Bungard] gets back on this. County Manager Abolt said, yeah, Al [Bungard], as you know, is out of pocket and we'll come back to you. This is under \$10,000, it's been awarded. We'll get the answer for you, sir. Commissioner McMasters said, I understand and it's one of three contractors and they keep coming through with under the limit. County Manager Abolt said, well, as Mr. Bungard, I know, has told you before, the proposed bidders know the limit and so obviously their bid —. Commissioner McMasters said, the little descriptions we get sound amazing similar to the week —, two weeks earlier. County Manager Abolt said, you're being very fair in allowing me to have Mr. Bungard respond to this. Commissioner McMasters said, okay. Thank you.

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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4. STATUS ON MINORITY CONTRACTING BEING ACCELERATED FOR SPLOST PROJECTS.

ACTION OF THE BOARD:

A written report was received as information.

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5. STATUS OF PERIODIC REPORTING ON SPLOST PROJECTS.

ACTION OF THE BOARD:

A written report was received as information.

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EXECUTIVE SESSION

Upon motion being made by Commissioner Rivers, seconded by Commissioner Murray and unanimously approved, the Board recessed at 11:35 a.m., to go into Executive Session for the purpose of discussing personnel. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 12:00 p.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 Murray moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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APPOINTMENTS

1. BOARD OF TAX ASSESSORS

ACTION OF THE BOARD:

Commissioner Murray moved to reappoint Ms. Burnette Mitchell-Dixon and Mr. Joseph C. Vestal to the Board of Tax Assessors terms to expire June 27, 2007. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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2. LIVE OAK REGIONAL LIBRARY

ACTION OF THE BOARD:

Commissioner Murray moved to reappoint Ms. Marianne Heimes and Ms. Jeane McCorkle to the Board of Trustees of the Live Oak Regional Library with terms to expire June 30, 2006 . Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter were not present.]

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3. SAVANNAH CONVENTION AND VISITORS BUREAU

ACTION OF THE BOARD:

Commissioner McMasters moved to appoint Commissioner Rayno to the Savannah Convention and Visitors Bureau with a term to expire December 1, 2003. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioners Odell and Kicklighter 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 12:05 p.m.

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APPROVED: THIS _____ DAY OF _____, 2003

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

SYBIL E. TILLMAN, COUNTY CLERK