

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, NOVEMBER 21, 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, November 21, 2003.

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**II. INVOCATION**

Commissioner John J. McMasters gave the invocation.

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**III. PLEDGE OF ALLEGIANCE**

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

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**IV. ROLL CALL**

The Clerk called the roll.

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

Chairman Hair introduced the following Youth Commissioners who were in attendance: Miss Claritza Cruz, a Junior at Windsor Forest High School, and Miss Chantel Flowers, a Sophomore at Beach High School representing Educational Talent Search.

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## **V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

None.

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

None.

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## **VII. COMMISSIONERS' ITEMS**

### **1. RECOGNITION OF EMERGENCY RESPONDERS INVOLVED IN THE JULY 11, 2003, DECK COLLAPSE ON TYBEE ISLAND (COMMISSIONER MURRAY).**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, it was brought to my attention about a month back that we had a joint group respond to an emergency on Tybee Island. Just before that had happened, we had also had complaints about response times of the ambulance, which was addressed, and I think everything worked out to the satisfaction of those people at Tybee, but in the process we had the Tybee Island group, the Memorial group and I think some others came together. If you look in the audience, most of the people in the audience are part of that group that responded to this collapsed deck on Tybee, and I'd just like to recognize and I'd like to call on Amy Hughes. She has more of the details than I have on it, but if you would come to the mike, please.

Ms. Amy Hughes said, thank you so much, Commissioner Murray. I'm Amy Hughes. I'm Vice President of Government Affairs with Memorial Health. Our CEO, Bob Colvin, sends his regards to you. He's out of town today, otherwise he would have been with you. As Commissioner Murray indicated, our Lifestar and our Medstar team and the Tybee First Responders and Police Department worked together on July 11<sup>th</sup> to basically effect a very heroic rescue, and the way they worked together is a just a great example of how this system can work and can work really well. Basically, what happened on July 11<sup>th</sup>, they were —, the Medstar ambulance was called to the scene of a porch collapse out on Tybee with nine victims, or nine critical patients actually. So they arrived and the Tybee First Responders arrived. What was really exciting about it was, as you recall, one of the things that we talked about doing about five months ago was starting the Tybee First Responder —, we starting the Tybee First Responder Program, so this was the first call, I believe. Is that correct? The first call that the Tybee First Responders had gone out on as well, so they really worked together well. We had basically when the first ambulance arrived on the scene, they realized there were nine critical patients including one 86-year-old woman who had suffered some severe burns and fractures, and so they called in Lifestar. That helicopter immediately came in. They called in two additional ambulances, and they were able to basically work together to get these nine patients off the scene within 30 minutes and into the hospital and, of course, in the helicopter that really only took four minutes to get that 86-year-old woman to the hospital. So it was pretty exciting and I just wanted to bring this to you as an example of the hard work that these people are out there doing on behalf of the County. But I would like to recognize those individuals who were involved and, if I could, I'd like to read their names and have them stand. Chairman Hair said, yeah, have them come up. Ms. Hughes said, okay, come on up. Eric Boystak, Nicole Hanger, Scott Willis, Kim Williams, Lou Reed, Lisa Conklin, Jeff Clifton, Shelley Cuddington, Jeannie Tuttle, Dan Foulds, Al Lucas and Mary Hill. And then additionally, there were the trauma surgeons, there were the nurses, there was everybody that met the patients and took it from there once they got to the hospital. But I also want to recognize that the Tybee folks who were involved, Dee Anderson, John Dowel, William Mosely, Fred Anderson, Stan Allan and Sandra Cornelius. Again, I think this is a perfect example of a public/private partnership and the way things can work.

Chairman Hair recognized Youth Commissioner Chantel Flowers.

Youth Commissioner Flowers said, on behalf of the Youth Commission we would like to commend you all on your efforts and your need towards Tybee Island in their time of need. Ms. Hughes said, thank you, Ms. Flowers, I appreciate that.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I'd just like to say, you know, law enforcement and first responders very seldom get the credit they deserve for the job that y'all have done. A lot of times it's criticism about it took too long to get there, they didn't like your attitude when you got there from the law enforcement and things like that. Y'all just —, when we have things like this take place, it shows the cooperation between the different agencies working together and accomplishing jobs that need to be done and that is our first choice to go after and serve the citizens of this community, and y'all have done that and I appreciate it. Thank you.

Chairman Hair recognized Commissioner Murray.

Commissioner Kicklighter said, I just want to thank you too. I was very hesitant when everything changed over to Memorial to Medstar, as well as I know Commissioner Murray was. We were concerned because it affected our districts, but I want to thank you, thank all the employees. Y'all are doing a great job. I have really not heard any complaints. You know, overall you're doing a great job and I appreciate it.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, the only thing I wanted to do is echo the same thing because I recall that I believe something happened earlier and we were very critical about the response time and who was supposed to do what. So this goes to show what can happen when you have people working together, and you've done a marvelous job, and thank you. Ms. Hughes said, thank you very much, Commissioner. I'm so proud of these folks I just can't stand it.

Chairman Hair asked, Amy [Hughes], do we have some folks from Tybee Police maybe back there or someone? Ms. Hughes said, Dee [Anderson], would you like to say anything? Chairman Hair said, I want to make sure we recognize everybody. Mr. Anderson said, [inaudible].

Chairman Hair said, thank you, Amy [Hughes].

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**2. DRUG COURT (COMMISSIONER THOMAS). *NOTE: Delayed until December 5, 2003, so that Judge Bass can attend the meeting.***

Chairman Hair said, the next time, the Drug Court under Dr. Thomas, will be at the next meeting to accommodate Judge Bass, who wants to attend the meeting. He's done such a great job with that program.

**ACTION OF THE BOARD:**

This item has been delayed until December 5, 2003, so that Judge Bass can attend the meeting.

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**3. CUYLER-BROWNSVILLE YOUTH TASK FORCE (COMMISSIONER THOMAS).**

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, thank you, Mr. Chairman. I'm delighted this morning to be able to do what I'm about to do because, as we all know, the critical role that counties play in youth development and community readiness points out a significant program that has been developed in the Cuyler-Brownsville neighborhood, and I want to recognize these young people because from what I heard the other night while attending a banquet, I thought it was very significant and we want to encourage our young people to continue to do the good things that they are doing because of so much that's happening in our community today that is so negative, a lot of killings and some other things, and so when they're doing wonderful things, we need to continue to motivate them and encourage them. So today we have —, there are 12 of them, but only a few of them were able to come today. They're accompanied by Dr. Olivia Swanson, who is the President of the Cuyler-Brownsville Association, and also Deacon Reynolds, who is the advisor to this task force. And I'm going to ask the spokesperson, the young man who was the spokesperson the other night to come up and just tell us something about this task force and what you do and how you got started and that kind of thing. Give us your name and everything.

Mr. Jarvis Jones said, good morning. Hello, my name is Jarvis Jones and I'm with the task force at Cuyler-Brownsville and basically we started out in 1999 up to 2003 and with Ms. Swanson and Mr. Reynolds by our side we went around the Cuyler-Brownsville helping the citizens of Cuyler-Brownsville who couldn't get out and do what —, like housework or whatever, what not, went around helping them and I would like to say thanks to Ms. Swanson, Mr. Reynolds and the task force, Cuyler-Brownsville and everybody. Thank you. Chairman Hair said, thank you.

Commissioner Thomas said, thank you. I'm sorry. Chairman Hair recognized Youth Commissioner Claritza Cruz.

Youth Commissioner Cruz said, I would like to thank the Youth Task Force for everything that they have done. It's not often that you see youth in the community doing good deeds, especially young men, and I would like to, on behalf of the Youth Commission, extend an invitation for any events that we might have in the future to the Youth Task Force.

Chairman Hair said, those that are present today I'm going to ask Dr. Swanson to just make a statement and Deacon Reynolds, would you like to have something to say? Please.

Deacon Reynolds said, good morning —. The Commissioners said, good morning. Deacon Reynolds said, — ladies and gentlemen. My name is Lawrence Reynolds, Sr. I retired from the Georgia Ports Authority and we started the task force in the last part of '99 in December, and we went around in the neighborhood looking at our youth that is in the neighborhood when they are out of school, and this is how it got started. We went around and asked the kids if they would like to participate in the association, and we are a concerned neighbor in the Cuyler-Brownsville of our youth when they are out of school. So we got started and we started out with 12 boys and one of the things that they do, they go around to senior citizens who can't get out of their homes and cut their grass, clean around their homes, and not only do they cut grass and clean around the homes for the senior citizens, we also have classes, and they have —, attend computer class and they goes [sic] to African-American Center. When we have programs, they attend that and they have got some certification from those classes, and we are glad that we can work with our youth and we are seeing now that east, west, north and south other associations have taken [sic] a pattern after the Cuyler-Brownsville Community Task Force. So I'm just glad to be here and I'm glad that y'all have us to be here this morning and we will continue to work with our youth in our neighborhood. Chairman Hair said, thank you, Mr. Reynolds. We really appreciate your service.

Commissioner Thomas said, I'm going to present you this certificate. Just stay here and turn around. Dr. Swanson, on behalf of you organization. One for you as President and one for your organization. Turn around so you can get your picture taken. Jarvis —, Mr. Jarvis —, Jarvis Jones, thank you. Antuan [Hayward]. Stand back up so you can get your picture taken. Marion [Simuel]. They're a little shy. They'll get out of it. And Calvin [Mitchell]. And I'm going to give Dr. Swanson your excuses to get back in school. I think all of them are in attendance at Beach High School, so congratulations to your school as well. Dr. Swanson said, and we thank you so much. Commissioner Thomas said, you're more than welcome.

Chairman Hair said, keep up the great work you're doing there. Commissioner Thomas said, thank you.

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#### **4. CHIEF O. F. LOVE ROAD (COMMISSIONER GELLATLY).**

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, what I wanted to do today, I'm not asking for any action to be taken on this. I just want to make a point and have it in the record and have dibs on this, so to speak. There's a road that parallels 17 Highway. It starts from Love's Restaurant and ends at the Bamboo Farm and it's about a mile and a half long, and at the present time it's called Basin Road. Basin Road, from what I can find out, was named Basin Road because there's a lot of low land there, a lot of water collects, flooding problems, things of that nature and, thus, the name Basin Road. We have plans in all probability in the next year or so that a portion of that road in the middle is going to be removed, thus making it two separate roads, and what I would like to recommend that the part of the road that's closest to Love's Restaurant, which ultimately will be turned into a cul-de-sac, and hopefully in the future there will be plans to turn that area into a wetland passive park for the community, I would very much like to have the support from my fellow Commissioners to name this road after a former chief of police, County chief of police, Chief Love who served with distinction for over 30 years from 1941 [sic] to 1931, and served 18 years as a chief of police of the County. I would like to have that road named after him, namely Chief O. F. Love Road, and I think that it's fitting and it's proper. Especially after the 9-1-1 event in New York, many cities have taken the time to name roads and various parks after distinguished law enforcement officers. Chief Love would certainly fall in that category and, like I say, I'm just reading this into the record now. When we approach that period of time, why, I'm going to come forward and make a formal presentation and what I'm doing is making dibs on that road right now. Thank you.

Chairman Hair said, okay. Thank you. It's very appropriate.

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#### **5. CHARLIE BROOKS FIELD (COMMISSIONER MCMASTERS AND COMMISSIONER MURRAY.)**

Chairman Hair said, Commissioner McMasters, and I think then I'll call on Commissioner Murray. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. Charlie Brooks Field is a wonderful County asset that in the most recent round of SPLOST some additional funding was set aside to facilitate the improvements to the fields. We

have a great facility that is raw in nature and has some challenges and I know that from playing out there with my son and the dedicated work that the coaches and the parents put forth to facilitate recreational opportunities for our youth is commendable, but we have had some challenges with the facility and fortunately we now have other funding in place, and while many of the parents had wanted to come today and talk about the need and the hope for that facility, we learned —, I learned through Commissioner Murray that in fact we have succeeded in our RFP process and there's actually planning ongoing as we speak to renovate and improve this recreational area. So consequently a lot of the parents opted to come on the meeting of the 19<sup>th</sup> of December, which is when apparently staff is going to roll out and present to us all the plans and designs for the renovation to Charlie Brooks Field, but I would like to recognize the people that have come today from the community and if Mr. Locovozzi would like to address the Commission.

Mr. Kevin Locovozzi said, good morning. Thank you very much for allowing us to just say a few words here. I'm Kevin Locovozzi. I've been a resident of this great County for 46 years. I want to thank all of you for your time and efforts in trying to improve our way of life here. It's a fantastic place to live. I wouldn't live anywhere else. All of my children are involved in County sports, soccer, football. It's a wonderful program. It affords them a great opportunity for sportsmanship community. We do get the opportunity to go to different facilities around the County and we know that you can't serve just one group. We ask that you please take us in consideration in moving this project forward, and we'd be happy to give inputs to make the process going a little farther. Thank you very much. I appreciate your time.

Chairman Hair asked, Commissioner Murray, do you want to add anything?

Commissioner Murray said, yeah, I would just like to say it's been ongoing for a number of years. We've had meetings in the Islands area. Some of the people here today attended some of those meetings. Some did not turn out so well, some did. We have still not been able to put the park in the kind of shape that we feel like it should be in. Even though some improvements have been made, we still have vandalism problem within the Charlie Brooks Park area, especially with the concession stand and what goes on there. I would like to ask, if it's all right, for Robert Drewry to come up and —, or either Al Lipsey, one or the other —, and just give us a brief outline of the schedule that's going to be taking place and what we can —, I know you don't have the plans yet, but at least what we can expect to see.

Mr. Robert Drewry said, I'd be glad to. Good morning. Thank you very much for the opportunity. What I have here we got in at two o'clock yesterday. These are engineering firms submitting proposals for the engineering work on it. The Evaluation Committee will review these proposals. I am planning what I consider an unprecedented aggressive schedule to get this awarded, and that's why we're probably —, that's why we'll be [inaudible] on the 19<sup>th</sup>. We're going to evaluate these and figure out what the engineering firms are going to be proposing to us, outline that in a better format and interview the top short list and negotiate fee proposals with the engineering firms. So I'm very optimistic and I agree that something needs to be done out at that field. Fortunately, the Commission was —, had enough foresight to set up almost a million dollars for the upgrades and improvements, and I appreciate that.

Commissioner Murray said, I have just one question. Once you have received that, one we vote on the 19<sup>th</sup> and if we adopt whatever you present to us on the 19<sup>th</sup>, is this going to be —, are you going to try to schedule this around the different sports that are going on? I know you can't just go straight through and do everything, but you can't shut down all the sports functions either. So that's going to be —, are you going to try to coordinate those —? Mr. Drewry said, yeah. You very well said. I'll try not to shut anything down out there. That's part of the complexity of this project because you don't want to shut services down, and that's going to be our goal and that engineering firm is going to know that up front. Commissioner Murray said, okay, and I assume that once we get all this in we can have some input from some of the people that utilize the facility. Mr. Drewry said, yeah. One of the proposals I've read the engineering firm is already recommending a public hearing with the public —. Commissioner Murray said, good. Mr. Drewry said, — to get some input. Commissioner Murray said, good. Thank you.

Chairman Hair said, thank you, Mr. Drewry. Any other questions? Thanks.

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

Proposals will be presented to the Commissioners at its meeting on December 19, 2003, for renovation work to be performed at Charlie Brooks Park.

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#### **6. EVICTION PROBLEM AND HANDLING OF DISCARDED HOUSEHOLD GOODS (COMMISSIONER RAYNO).**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you, Dr. Hair. Recently, it seems once a month, there's been eviction on the corner of Old Whitfield Road and Diamond Causeway and inevitably all of the goods are tossed out into that public area, and I automatically receive about 20 calls asking what's going on, and on this last particular day the wind was picking up the items and blowing them all over the place, and it just seems to me that we need to have better communication between those people making the evictions, the Police and Public Works that this problem is fixed immediately because it's happened time and time again every single time. It seems to me if an eviction is in place, Public Works should be notified and at the time of the eviction Public Works should be there so it could be a very seamless operation

where they throw it in the truck. Basically what happens is we have to pull Public Works out there, schedule the task and get them out there to clean it up so it doesn't become a health hazard, and I would ask if any of my fellow Commissioners have any suggestions because it just leaves me at wit's end, and it's also heartbreaking to see a family's items out there as you go out by it.

Chairman Hair said, let's get the County Attorney to comment and then the Sheriff and then we'll get Commissioner Kicklighter and Commissioner Murray.

County Attorney Hart said, the problem that Commissioner Rayno brings up is a reoccurring problem that occurs in every county in this State. I'm familiar with the situation because I noticed it myself the other day riding by there. When you bring a dispossessory proceeding, which is a statutory proceeding that came under the old law of ejectment, which meant to eject someone from the property, the law's pretty clear that a sheriff is only empowered to remove the personal property of the party being dispossessed or ejected from the party [sic] to the closest public right-of-way, and that is why you always see that property in the closest contiguous public place. The particular place that Commissioner Rayno is talking about is at a triangular piece where there's two right-of-way ditches, I assume, and generally across the street from that there is a trailer park that basically every once in a while they reject —, eject somebody or dispossess someone out of there and the Sheriff will place the goods there. Under the law the party that is ejected has the right to come back and claim his property, which means the Sheriff does not have the right under the law to take the person's property and move it to somewhere else other than the closest public right-of-way, which puts you in the bind of you've now got this mess on the side of the road. About the only way I know that the County can handle it is perhaps consider the possibility of an ordinance, which probably could be challenged, of at ejectment the Sheriff will put it at the closest public right-of-way, the Public Works Department or the Building and Regulatory Services [sic] Department would place a notice upon the property that the property needs to be redeemed or repossessed by the owner with five or seven days —, I need to think about that a little bit more —, and if it is not redeemed during that period it will be deemed abandoned and then remove it as it being deemed street litter. And that's about the only way I know to handle it.

Chairman Hair said, Sheriff, if you want to add anything, then I'll call on Commissioner Kicklighter. I just want to make sure we get the facts on it.

Sheriff Al St. Lawrence said, yes, you know, we do an awful lot of evictions and the policy has been since we talked with the Manager that we notify Public Works on Friday of the evictions the next week. This was our fault. We did not notify them, okay. So hopefully that's not going to happen again. That's not what I told them, but that's what I'm saying to you, hopefully it's not going to happen again. What I did is I've changed the policy. I don't have the report back as I normally would to send back to Russ Abolt right now, but I'll have it sometime next week and it'll be right. We've changed the policy to where they'll notify them on a daily basis with the eviction. Now, as the County Attorney has pointed out about the law and I agree, you have to give the people the opportunity to get their property. How much opportunity is something else, but all we can do is remove it with the landlord doing the back work to the nearest public right-of-way. I mean, all these things have to be scheduled ahead of time and these people have to be put on notice, but very frankly, Commissioner, my people dropped the ball and there's —, on this particular thing, and there's nothing else I can say about it except to tell you I don't expect it to happen again. But we will notify now instead of on a Friday tell them what we're going to do next week, we'll notify them on a daily basis. It's not Robert Drewry's fault or anybody's fault but my staff.

Commissioner Rayno asked, would it be legal to tell them within the eviction notice that you have so many hours within the time that we public the property in the public area to pick it up, otherwise it will be deemed public trash. Sheriff St. Lawrence said, the only problem with that, Commissioner, sometime we don't have no contact with those people at all to put them on notice —. County Attorney Hart said, a lot of times —. Sheriff St. Lawrence said, — we go out there when we're supposed to and move the stuff to the right-of-way. If they're across the street and they want to come and get it or the neighbors want to pilfer through it, which happens a lot, but we have to put it on the nearest right-of-way, and I think Public Works should give at least the remainder of the day or whatever you want to call to give them a chance to get their property. Some time it's just junk and some time it's not bad stuff. Commissioner Rayno said, yeah, on 39<sup>th</sup> I saw people going through it like it was a yard sale. Sheriff St. Lawrence said, but this was our fault and, again, I've changed the procedure somewhat and told Lt. Nancy Jones to make sure they notify Mr. Drewry on a daily basis, and I think you can't have —, you can't have Public Works though, as you suggested, and we just load the stuff in the truck. That's not possible. Chairman Hair said, that would be illegal.

Commissioner Rayno said, all right. Let me ask you one other thing. Would it require a change in State law to make it more tight? County Attorney Hart said, it would probably require a change in the Constitution of the United States. You can't take somebody's property without giving them some type of notice and the notice has to be a meaningful notice, and representing people —, representing several trailer park groups outside of Chatham County, the typical situation when you get dispossessories and those type situations is that the party that is being dispossessed is no longer in the area and you don't know where they are. Typically, they've been arrested somewhere for some type of law violation and they're in some jail that you don't know where they're at, but their stuff's there and they haven't got any way to come get it. So you've got to give some type of —, you've got to go through the dispossessory procedure and then you've got to put it out on the public right-of-way because that's what the law says the Sheriff can do and can't, and then the best notice to give is some type of public open notice so that everybody in the world can ride by there and be aware that there's going to be a removal function and that's generally the process followed in most places.

Chairman Hair said, you know, we might want to look at something like the law that deals with storage units where they publish in the paper a list of all the storage units and you have so many days to —. County Attorney Hart said, the difference between those two situations is that when you sign up at the storage unit place, you enter into a contract with that party and both parties agree that under the terms of our contract if you don't pay, you don't come get your stuff because I've got a lien against it, and if you don't come pay the lien off within so many days, I will sell your stuff wherever I want to. So there's a distinction.

Commissioner Rayno said, it might be [inaudible]. Let me just end by telling the Sheriff I wasn't inviting anyone here today to point fingers at them. It's just —. Sheriff St. Lawrence said, no, there's no fingers to be pointed except at my staff. Commissioner Rayno said, right, and I appreciate you admitting that you dropped the ball, and that's great. I just —, there's so many constituents out there frustrated, they don't understand the law or what you have to —, the procedure you have to go through. I thought it might be good to air it out in public so that they know that many times your hands are tied and you just have to follow the rule of the law. Sheriff St. Lawrence said, I'll give you another example. On 17, I think it was either last year or year before, we put a family out of one of the subdivisions and the neighbors started pilfering through their stuff and the people came back and then wanted to sue us because we allowed the neighbors to pilfer. The law doesn't say I have to stand there and watch it, and as the County Attorney's pointed out, most people ain't going to be around, and Public Works is going to wind up having to clean up the right-of-way, but again I don't know how you're going to change the law.

Chairman Hair said, okay, Commissioner Kicklighter, Commissioner Murray, Commissioner Odell, Commissioner McMasters and Miss Flowers. Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, we've had the same type problems out on Quacco Road, particularly from one trailer park, and it also —, I would say it extends to the problem that the people were moving out themselves and just threw all of their junk out on the street themselves, not being evicted. What —, I've got a couple of questions is, one, would it be possible for the County to set aside land or would that take a law change where the public could be notified if they're evicted that the property would sit on our land, wherever it might be, in a type of storage for X-amount of days and then gone? County Attorney Hart said, well, there's two problems with that situation. Number one, the law is clear that the Sheriff can eject somebody's personal property under the legal proceedings from the property to the next contiguous property. It is not clear that the Sheriff and probably can't take control, possess the property, and remove it to a separate location. In addition to that, if we're going to do that, we're then going to have to ask the Sheriff to incur the cost of finding someone to move that property and then we're going to have a place that it's going to sit and people are going to say, gee, you've now taken possession of the property; as a matter of law, you are now a bailor of that property; therefore, you have a duty complied by law —, applied by law to provide some type of protection of that property, and I don't think that's a duty the County wants to get into. Commissioner Kicklighter said, okay. Sheriff St. Lawrence said, the other —, the other thing is that some people feel like because we're evicting that we're responsible for that property. We're not responsible for that property. We get threatened with law suits and everything else from the people that do come back and try to reclaim, but we follow the law and the only additional thing we do is through the Manager and Public Works we have worked out an arrangement we notify them and then in this particular case last Friday they dropped the ball, but hopefully I've made some changes and —. Commissioner Rayno said, thank you for doing that.

Commissioner Kicklighter said, let me ask this. Would there be a way to come up with an ordinance to hold the manager or owner of the trailer park accountable when they know that it was their tenants that dumped their own belongings out on the side of the road? Because, like I said, in one particular it's over and over again, I can count on when I get a call, I know where the trash is going to be on that particular street. County Attorney Hart said, that type of ordinance has a tendency to put the landowner in a Catch-22, okay. He's damned if he does and damned if he doesn't. Number one, it's hard to hold him responsible when the Sheriff is proceeding under a lawful court order and doing his job of removing the property from that premises somewhere else. Commissioner Kicklighter said, I'm not talking about the Sheriff any more. I'm talking about when the owner of a —, any area, when they know —. County Attorney Hart asked, you talking about littering? Commissioner Kicklighter said, yeah, littering. When they know that it was their tenant that dumped all of their stuff out on the side of the road and they do not remove it, is there any type of ordinance because, you know, I had a tenant before that left my building and I had to clean up his mess. You know, it was my responsibility, but —.

Commissioner Murray said, that's a different issue altogether. Commissioner Kicklighter said, right. Commissioner Murray said, and I think we do have an ordinance that would cover that and that's —, you just can't go dump stuff out on public right-of-ways. County Attorney Hart said, correct. Commissioner Murray said, now what the Sheriff was doing is different. Sheriff St. Lawrence said, now they don't normally dump it on the public right-of-way, Commissioner, they dump it right on —, where it's [inaudible], they're responsible. Commissioner Murray said, I know, but what I'm saying is that that's a different situation than you're in when you evict somebody.

Commissioner Kicklighter said, yeah, I'm not addressing the Sheriff at all in that situation. County Attorney Hart said, we have a pretty good litter ordinance and I don't know about some of the municipalities but, you know, if it gets there off of somebody else's property, you know, we've got a pretty good —. Commissioner Kicklighter said, okay. County Attorney Hart said, — grasp of a litter situation. Commissioner Kicklighter said, all right. Commissioner Kicklighter said, thanks.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, yeah, most of my questions have been answered, but we've had the same problems down on Johnny Mercer Boulevard with some of the apartments and —, I like your tie, Sheriff. Sheriff St. Lawrence said, thank you. I like it myself. Commissioner Murray said, I hope they pull it through this weekend too. Sheriff St. Lawrence said, very good. Commissioner Murray said, but, you know, it's a problem and I understand that and I also understand the fact that you've got to notify the public and my real question you answered earlier, I think, when you said that somebody tried to sue you over that and that was my question, when we're taking somebody's property and putting it on the right-of-way or putting it wherever you're putting it and somebody does come by and picks it up that's not the owner of that property, are we liable at that point, and I think that was answered we're not. Sheriff St. Lawrence said, and it's usually the neighbors. They'll pilfer through it and get what they want.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, I don't think that we will ever solve this problem, and I know that seems sad, but the problem is an eviction lies in the action of ejectment and ejectment doesn't take ownership of the personal property. It simply gives the sworn highest law officer in the County directions to remove it. He can't remove it to private property, he must remove it to the nearest public right-of-way. That's a separate and distinct action from who requires ownership of the property. If we move the property to a storage place, the cost attending that move would be budget busting. The liability attending that move would be staggering because we would have no way to make an accounting of all of the things that have been dumped, and there are just too many potential problems for us ever to think about that. I think that under the eviction laws you have seven days. I think the individual's property that's put on a public right-of-way, anything less than seven days I think might —, there might be a reasonable constitutional challenge. There is a way to get around this without amending either the U. S. or the Georgia Constitution, and how you get around this, whether you choose to do that or not might be questioned, is to amend the rental contract law to include similar language in rental properties as you would find —, I go to Uncle Harry's to rent a bin, as part of the contract Uncle Harry says if you don't pay Uncle Harry every month, you agree that I can dump and dispose, sell, do whatever I want to with the contents of it, but that would require our legislative delegation getting involved, and I think that would be a lengthy process. It's an unfortunate thing. My sympathy is not only for the people who are evicted, but also for the land owners who rent properties to make money, and there's absolutely nothing wrong with making money. Is there Dr. Hair? Chairman Hair said, not at all. Commissioner Odell said, that's it.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you. Sheriff, a quick question. Sheriff St. Lawrence said, yeah. Commissioner McMasters asked, do you have any idea how many of these evictions you do a year? Sheriff St. Lawrence said, a whole bunch. It's kind of like bankruptcy. It's on the rise and we do more and more and more. I mean, it's just an awful lot of this going on. I can't give you a number. I can look back and give you a number, but I can't —, I know we do evictions all the time. Commissioner Odell said, probably 1,500 to 2,500. Sheriff St. Lawrence said, you're probably right and it might be higher than that, but it's —, it just —, it's a problem and in a perfect world the property would be taken care of and we wouldn't get complaints and you wouldn't see the stuff on the right-of-way, but it's —. Commissioner McMasters said, I realize it's not a utopia and I appreciate the estimation. One more estimation if you're kind enough to. What percentage do you feel or staff feels of that 1,500 to 2,500, what percentage of people come back to reclaim some or all of their stuff? Sheriff St. Lawrence said, not that many, but as the County Attorney pointed out, it's their right to come and recover that property. That's the reason —, that's why I say you can't just say we're going to eject and call Robert Drewry and he backs up a truck to the front door and we throw everything in his truck and, you know, you'd never see nothing in the right-of-way, but you can't do it that way. I don't know what the percentage is but there are some, and again an example I just happened to think of a while ago was that case on 17 when the people came back around five, six o'clock and half their property was gone. We put it all in the right-of-way and the ones that got it was their neighbors, you know. Commissioner McMasters said, thank you. So the point is that we've got 1,500 to 2,500 evictions and a very low percentage of people redeeming their —. Sheriff St. Lawrence said, true. Commissioner McMasters said, — personal effects, and I'm willing to bet that those that do don't take but just the things that they want and leave the balance. Sheriff St. Lawrence said, but they have that right. Commissioner McMasters said, understood. I'm a landlord, I understand this and I'll tell you how it works within the City of Savannah, because that's where my properties are, is I have to call the City and arrange for a special pickup and I'm charged an hourly rate of, I believe, \$25 an hour and whatever portion it takes thereof, and there's probably a half hour minimum on it, and it goes onto my City water bill. Now, clearly I agree with Commissioner Odell. This is a situation where landlords who are in the business of renting their dwellings to people have had a civil problem in their contract with their tenant and they're now prevailing upon the courts. As a matter of fact, the landlord initiates this, correct? Sheriff St. Lawrence said, sure. Commissioner McMasters said, okay. As a private party with another private party issue, they go to court, they pay the court, they pay a fee for your employees to perfect the service, and move the material outside. Sheriff St. Lawrence said, yes. Commissioner McMasters said, as Commissioner Odell said, the ejector has the responsibility here. My thinking is that since we have a record of the evictions that your staff has done and we know that the clock is seven days that they have —, is that the time, Jon [Hart]? They have seven days —. County Attorney Hart said, I don't know. I think Commissioner Odell —. Commissioner McMasters asked, well, at what point can we —, can we pick it up and haul it off? County Attorney Hart said, I don't know. That's —, it's just you've got to give them reasonable notice and opportunity. I think Commissioner Odell was using the seven day period because it's a good safe period from the standpoint that, you know, you've got seven days in which to answer a dispossessory or you're in default, you have seven days to open the default and you have to post for seven days. If you keep the seven-day rule going, it seems logical you'd be on the safe side. The lower you go, the less safe you are. Commissioner McMasters said, okay. Well, for discussion purposes let's just agree that seven days is a reasonable clock in this situation. Why —, can we not create an ordinance maybe tied to the litter ordinance that essentially says since we

have a record of where the eviction took place and the clock has run and it's a civil matter, why can't we pick up the material and send a bill to the property owner who initiated the action in a private party matter? County Attorney Hart asked, how can you send a bill to a private party owner because the Sheriff undertook his statutory duty to comply with the law and then hold the owner responsible for the Sheriff's actions? Commissioner McMasters said, no, the owner asked for the Sheriff's actions and paid for it. County Attorney Hart said, no, the owner brought a legal proceeding. Commissioner McMasters said, yes, and —. County Attorney Hart said, when you pick up the phone and call the City and tell them to come pick your stuff up, you're taking responsibility for that. In other words, if you wrongfully ejected somebody through the dispossessory proceeding and then you told the City to dispose of it, and you were wrong and the person came back and sued you for being wrong, then you would pay the bill for that not the City. But the difference is you've got you asking the City to take an action. In most of these cases we don't have the land owner asking us to take the action of the removal of the stuff in the public right-of-way —. Commissioner McMasters said, but the land owner is —. County Attorney Hart said, — and they have no duty to do that. Commissioner McMasters said, the landowner is creating the nuisance and he's in a commercial capacity and —, by virtue of his relationship with the tenant. County Attorney Hart said, he's not creating the nuisance because all he is doing is asking for the Sheriff to conduct his lawful responsibility. Commissioner McMasters said, yeah, but the work product of that execution is a mess at the side of the road that taxpayers have to pay for. County Attorney Hart said, I'll be glad to talk to you about it, I just don't —, I just don't —.

Chairman Hair said, I think, you know, it's pretty clear we're not going to solve this, and we've got Miss Flowers. Chairman Hair recognized Youth Commissioner Flowers.

Youth Commissioner Flowers said, in the process of writing the eviction notice, you give them a certain amount of time before they have to be out. Is there a way that when you give them that time by that date, that you have a certain amount of days for them to have their things that have been set out, is there a way of giving them a certain amount of time after that picking up these things that, which y'all calling litter, that they left there, is there a certain way that you can get it and then put it into storage for anybody open to the public that they can come get it? Chairman Hair said, Mr. Hart, I'll let you answer that. County Attorney Hart said, normally after we put it on the right-of-way and normally after we've given the opportunity for the parties to come back and get the material, then Public Works will go ahead and dispose of the material, but we have no obligation to store it at that point nor do we wish to.

Chairman Hair said, we'd create a legal liability at that point. Mr. Kicklighter and then I think we're ready to move on.

Commissioner Kicklighter said, thank you. In the future for multiple rental units, would there be a way to create in our ordinance through the MPC or something because, you know, I understand that when you're talking multiple rental units that we do not take over the roads going into the area because that's private drives for their business, would there be any way to possibly require that the owners of multiple rental units deed us over a small 20 by 20 portion within the boundaries of this facility to —, as a right-of-way, and that away when something —, when someone is evicted or whatever, that is a public right-of-way that would be within the boundaries rather than out on a public street for the whole world to see? It would actually clutter their business rather than the rest of the world. I know there would be no way to go back and require people that already have multiple housing permits or whatever, but in the future developments would that be possible? A smaller area, 10 by 10. Stack it up as a right-of-way. Chairman Hair said, they would have to give up the property as a public right-of-way. County Attorney Hart said, if you can talk a developer into doing a subdivision lot with 10 by 10 public right-of-way access to it, yes, you could do that. Chairman Hair said, okay. Sheriff St. Lawrence said, but then I guess you'd be creating yourself a problem if you acquire additional right-of-way that —.

Chairman Hair said, yeah, I think we've got to be careful here that we don't create a cure worse than the disease. I mean, it is a problem, but I think we could be —. Commissioner Kicklighter said, no, I'm saying a block down the road —. Chairman Hair said, we could be creating something here that's much worse. Commissioner Odell and Miss Cruz and then I think we need to move on. Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, Jon [Hart] —. County Attorney Hart said, yes sir. Commissioner Odell said, — and both Johns. Listening carefully to your response and your question, I think what John [McMasters] was saying —, this John —, is that the City of Savannah uses your request to send you a bill. If that be the case, then we have uncaptured revenue because we're doing the same thing and not capturing that revenue. To me the issue is not whether the request is made by the individual because even in the City the actions are still done by law enforcement officers. What I'd like to see done is (a) to have a comparative analysis between what we do and what they do, and (b) legally analyze whether or not the fact that the request is made by a private citizen in fact when you file a civil action there are civil responsibilities when you file that action, is there any way that we can attach the property owner for initiating the action? Ultimately, the goal is we have a cost, it's a fairly substantial cost on the Sheriff that in some parts of the County it's being recouped and in other it's not. How can we lawfully recoup it, understanding that there should be no ex post facto laws, it would have to go forward, but it might enough problem for —.

Commissioner McMasters asked, would you yield just a second? I'd like to —. Commissioner Odell said, yes. Commissioner McMasters said, thank you. Harris [Odell], I want you to know that when someone dumps an old refrigerator at the end of my property, the City of Savannah calls me or leaves me a notice and says it's your refrigerator and if you don't remove it, we'll remove it and send you a bill. Commissioner Odell said, I understand that. I used to own a lot of real estate and I —. Chairman Hair said, I think that's different though than a dispossessory. Commissioner Odell said, but I think legally it might be very similar and we can track on that concept, Jon [Hart]. County Attorney Hart said, okay.

Chairman Hair said, we'll have it look at that. Miss Cruz and then we'll —, we need to move on.

Youth Commissioner Cruz asked, is it possible —, I was thinking it was kind of like a big problem like the Sheriff said and more and more happen every year —, is it possible just to put on the eviction notice and give them a longer time like I don't know how long to tell them before the day they have to get out, but to put on the eviction notice that when you leave all your stuff must be gone or else it will be thrown in the trash? Commissioner Odell said, yeah, but —. Youth Commissioner Cruz asked, is that possible at all? Commissioner Odell said, it's possible, but one of the problems is you have people who have entered into a contract, whether that be a verbal or written contract, to pay X-amount of dollars a month. They didn't pay that and that's why they're being relieved of the right to own that property. I do not think by telling them that it's going to make that kind of difference because they didn't pay the rent, for whatever reason and they're some good reasons and some bad reasons, but they didn't do that. I think the seven days is kind of Georgia law firmly imbedded in case law. I'm not certain if that would change if you follow what I'm saying. Youth Commissioner Cruz said, yes.

Chairman Hair said, well, we're going to ask staff and the attorneys look at it and I think we do need to look at it some.

Commissioner McMasters asked, could we have staff estimate, just estimate, out of those 1,500 to 2,500 collections what our approximate cost is? Chairman Hair said, Mr. Sheriff, between you and the County Manager, could we —, could we do that Mr. Abolt, make some kind of estimate of cost of doing each or per eviction or some kind of average cost? I mean, I know they're going to vary a little bit, but that's —. Commissioner Odell said, using the City of Savannah as —. Commissioner McMasters said, comparison. Commissioner Odell said, — comparison. Chairman Hair said, that might not necessarily be related to cost though. That could be related to revenue. I'm not so sure —, I think Commissioner McMasters asked —. Commissioner McMasters said, both sides, both sides need to be looked at. Sheriff St. Lawrence said, well, it may be by ordinance in the City. Chairman Hair said, okay. Sheriff St. Lawrence said, if it's on your property and Public Works has to clean it up, may be they ought to pay for it, I don't know. Chairman Hair asked, Sheriff, could you get someone on your staff to do some average estimate of cost per eviction or something that —, some kind of average cost. We know it's not going to be totally exact, but it will be somewhere cost. Commissioner McMasters said, his cost is paid for by the applicant or the landlord. Chairman Hair said, we don't know that necessarily. We —. Commissioner McMasters said, oh, I see. You're asking an entirely different question. Maybe that's not fully covered. Chairman Hair said, exactly. That's right. Commissioner McMasters said, okay. I'm with you. Chairman Hair said, I want to see what the gap is, you know, if there is a gap. There may not be a gap. Okay? Commissioner McMasters said, but the collection from Russ [Abolt] and Public Works side is what we're, Harris [Odell] and I —. Chairman Hair said, correct. Commissioner McMasters said, — were looking at as well as a comparison to what the City would do for comparable numbers. Chairman Hair said, which is separate from [inaudible], okay. Thank you, Mr. Sheriff. I appreciate your responses.

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

The County Attorney was asked to look at the laws and ordinances regarding the issue of personal property placed on public right-of-way following eviction as it relates to littering. The Sheriff and County Manager were asked to give an estimate of the Sheriff's cost per eviction or an average cost and make a comparison to the City of Savannah's cost.

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#### **7. PEDDLERS IN NEIGHBORHOODS—ENFORCEMENT POLICY (COMMISSIONER RAYNO).**

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you. I brought this forward just as perhaps an educational item for the public, but also to just restate what we passed about two years ago. We had these laws that were similar to the Green River laws, as was suggested by Mr. Abolt, that we would try to stop peddlers from going to people's homes after 6:00 p.m., to make sure that they had a business license because there's a growing problem of these sales people going through particularly the unincorporated area and knocking on doors and trying to sell everything from meat in the back of pickup trucks and the latest one was this wonder spray that was in a bottle that could do everything, and —. Commissioner Murray said, I haven't seen that one. Commissioner Rayno said, yeah, he said it was remarkable, but —, he even squirted it in his mouth. But the problem is he didn't have a Chatham County business license and said, "Well, my boss has one. I'll be happy to make a copy for you tomorrow." And, of course, he told that to a police officer who gave him the leeway to try to get one that afternoon and then he continued on through the neighborhood. I think we should have a zero tolerance policy for people not following this ordinance. If they do not have a producible Chatham County license, we run them out of town on a rail back to whatever state they've come from. And the same thing with these meat people because I don't know if, you know, Mr. Ed's on the back of their truck or whether it's real meat. You can't tell.

Chairman Hair said, okay. Staff, do you understand what we're —? County Manager Abolt said, we do and I believe it's been covered. Chief Oliver immediately responded when it was brought to our attention. It's in your packet. We've had some new hires and Chief Oliver, you'll notice in the information I sent you last night, has made it a responsibility of all sworn officers to read his memorandum of yesterday, which says it isn't allowed. Chairman Hair said, so we need to enforce that is basically —.

Commissioner Rayno said, so all Commissioners know, you've got that policy. If somebody calls you, tell them to run the person out of their neighborhood because it's not safe. A lot of these guys are just really just casing the neighborhood to come back and rob it later. I mean, the wonder spray man could have been that man that's doing that.

Chairman Hair said, that's a good point, Commissioner Rayno.

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**ORDER OF BUSINESS**

Chairman Hair said, we do need to take a motion to add one item, and that is the Housing Authority bonds that's in your packet, the approval of those Housing Authority —, want to add it as Item 5 under Individual Action. I'll take —. Commissioner Murray said, so moved. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion passes.

[NOTE: A motion was approved to add a new item as Item 5 to the Items for Individual Action.]

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**VIII. TABLED/POSTPONED ITEMS**

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. **CHAIRMAN'S ITEMS: LAZARETTO BOAT RAMP IMPROVEMENTS (SEE STAFF REPORT). REQUEST BOARD APPROVAL AUTHORIZING THE CHAIRMAN TO SIGN AN AGREEMENT WITH THE DEPARTMENT OF NATURAL RESOURCES, WILDLIFE DIVISION, TO DOUBLE THE SIZE OF LAZARETTO CREEK BOAT RAMP. [DISTRICT 4.] ALSO DISCUSS POSSIBLE DEDICATION OF RECREATION AUTHORITY FUNDS FOR BOAT RAMP MAINTENANCE AND IMPROVEMENT, COUNTYWIDE. Note: At meeting of November 7, 2003, item was tabled until after Recreation Authority meets. They are scheduled to meet on November 24, 2003.**

Chairman Hair said, under Tabled/Reconsidered Items we're going to leave that on the table until the —, at Commissioner Rayno's request until the Recreation Authority meets on the 24<sup>th</sup>. That will be on the meeting of the 5<sup>th</sup> or 3<sup>rd</sup>, whatever the first meeting in December is. Commissioner Rayno said, thank you, Dr. Hair. Chairman Hair said, you're quite welcome.

**ACTION OF THE BOARD:**

This item was not untabled and placed before the Commissioners for consideration.

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**IX. ITEMS FOR INDIVIDUAL ACTION**

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

1. **REQUEST BOARD APPROVE THE FOLLOWING: A TRANSFER OF \$20,970 FROM THE CAPITAL IMPROVEMENT BOND FUND COURTHOUSE HVAC PROJECT TO THE CIP BOND FUND COURTHOUSE IMPROVEMENTS PROJECT AND AN AMENDMENT TO THE MULTIPLE GRANT FUND TO REFLECT A TRANSFER OF \$127,170 FROM THE GENERAL FUND M&O.**

Chairman Hair said, I'll entertain a motion. Commissioner Odell said, move for approval. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair asked, any discussion? All those in favor vote yes,

opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the following: A transfer of \$20,970 from the Capital Improvement Bond Fund Courthouse HVAC Project to the CIP Bond Fund Courthouse Improvement Project and an amendment to the Multiple Grant Fund to reflect a transfer of \$127,170 from the General Fund M&O. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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**2. BOARD CONSIDERATION REGARDING AMENDMENTS TO ZONING ORDINANCE TO CHANGE PUBLIC NOTICE REQUIREMENTS IN REZONING MATTERS AND PROCEDURE FOR NOTIFICATION.**

Chairman Hair said, Commissioner McMasters, I believe you had some questions.

Commissioner McMasters said, thank you, Mr. Chairman. In the background narrative that we received in our agenda it says that the "Zoning Ordinance requiring notification on a rezoning application similar to that of the City of Savannah." My question is does similar mean that the posting requirements will now be consistent in virtually every respect with those of the City of Savannah because I think the intention that, and I can't speak for Frank [Murray], but when this issue came up our hope was that for the public's informational need that the consistency and the standardization between the two could be accomplished. So I'm asking is similar —, is similar —, how similar is similar to the City of Savannah?

County Attorney Hart said, I don't know the answer to that question. What we did —, and I think Charlotte [Moore] or Clyde [Wester] is probably going to have to answer that. Chairman Hair said, Clyde's here. Clyde [Wester], do you want to —. County Attorney Hart said, because they're much more familiar with the City's —. Chairman Hair said, Commissioner McMasters, restate your question because Clyde [Wester] was outside.

Commissioner McMasters said, okay, I'm sorry. Mr. Wester, the question is, and we appreciate you and staff reviewing this, and I think the hope that Commissioner Murray and I had was that the ability to give the public an equal opportunity to understand zoning changes and what not in hearings and through posting would be, you know, in tandem with the City of Savannah's and the language in this says that what this is going to do is make it similar, and I just didn't understand similar. Mr. Wester said, okay, the action of the Metropolitan Planning Commission was to recommend to the Mayor and Aldermen that only the requirement being —, being proposed, that the property be posted before an MPC meeting, and that was the recommendation of the Planning Commission. The City Council went beyond that and passed a provision that property owners be —, that was in 200 feet of the property —, be notified. This is not in the ordinance that, as I said, was recommended by the Planning Commission and the fact of the matter is that we at the Planning Commission do this routinely in the County as a matter of policy. Commissioner McMasters asked, so it's not in —.

County Attorney Hart said, well you —, your first question was are the postings similar. I think the posting part is similar. The City Council went further with this 200 feet in the notifications. One of the things they did was notify tenants and my understanding in talking to MPC staff is that they're having an awful difficult time complying with the other notice provisions and they're having some problems at the City level with that. So what I suggested we do at this point was adopt the posting requirements since that seemed to be the fundamental issue here of making sure people had notice, adopt the City's notice requirements less the tenants provision, as an administrative procedure, and then let's see how it shakes out over the next year so that we know we've got something that works. It's much easier to amend the administrative procedure than to keep coming back to y'all, you know, every 30 or 40 days with something new there. The intent is to follow the notice requirements that we were requested to give.

Mr. Wester said, I might point out also that in the ordinance that the County Attorney has presented, it changes the applications process so that the zoning applications would be filed at the MPC, and this is very important. We —, the staff though certainly supports this change. It will save some time and it seems to be preferable to the current arrangement.

Commissioner McMasters said, that was the second half of my question, Mr. Wester, and I was actually kind of surprise to read that this is going to remove a needless step in the application process going to Building Safety and Regulatory Services. So I think time on this has been well spent. It is also, as you pointed out, a benefit because your staff will have more time to review the application for completeness and additional time for the applicant to submit any additional information to ensure a complete application. It also provides for more time for posting signs, notices and application review by MPC. So I think this is a very good piece of work, and I accept the County Attorney's suggestion that the tenant notice part at this point probably ought not to be figured into the equation but might later. So, thank you.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yeah, I —, my intent was exactly the way it's written and that was the property be posted before it goes to MPC. Now if this posted property, the people living within 250 feet away from that property certainly will see the posting of it and can get the information off of that sign. I don't think we need to take those other steps at this point, but if this property is posted, that was the main intent so people would know that it's going before MPC so if they do have any concerns about it they can go to the MPC meeting and find out.

Chairman Hair recognized Ms. Helen Stone.

Ms. Stone said, I think the original intent of this was, to back up, was that the property was being posted after the MPC meeting. Commissioner Murray said, that's right, before it came to us. Ms. Stone said, so —, before it came to you all or in the City's case before it came to the City, and so this was to give them one extra opportunity to not miss the MPC meeting and to be able to come to the MPC meeting as well as to the directed governmental body so that they would have two opportunities and also that much more visibility to when a piece of property is being requested to be rezoned.

Chairman Hair said, okay, thank you. Does that —?

Commissioner McMasters said, one other comment. I thought that this is so fundamentally sensible, I'm kind of surprised that we operated the other way for as long as we did, but I'm really delighted that there's going to be some parity.

Chairman Hair said, okay. Thank you.

Commissioner Thomas said, one other question and that —. Chairman Hair recognized Commissioner Thomas. Commissioner Thomas said, — that will help to streamline the process too, wouldn't it? Chairman Hair said, yeah —. Mr. Wester said, absolutely it does. Chairman Hair said, — from staff's standpoint. Mr. Wester said, those five days are very important.

Chairman Hair said, thank you. We don't actually need to approve anything, do we? County Attorney Hart said, we're just going to have to have a first and second reading. Chairman Hair said, yeah, so it'll come back as an ordinance, but it [inaudible] full item as well today. County Attorney Hart said, but it's designed to be an ordinance. Chairman Hair said, right, it will come back as first and second reading.

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

No action was required. This item will be brought back before the Commissioners on first and second readings.

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### **3. BOARD CONSIDERATION OF RESOLUTION TO POST BUILDING PERMITS IN COMPLIANCE WITH CHATHAM COUNTY PROCEDURES AND APPROVAL TO SEND TO EACH MUNICIPALITY WITHIN CHATHAM COUNTY.**

Chairman Hair said, Commissioner McMasters, I think you had some questions there.

Commissioner McMasters said, I did, thank you, Mr. Chairman. I want to understand it fundamentally that the first time a Building Safety and Regulatory Services person comes to a site and there isn't the proper requisite permit posting, does that generate this increased fine to \$30.00? County Manager Abolt said, sir, if you'll permit me. Commissioner McMasters said, sure. County Manager Abolt said, I believe you're one step ahead. Number three is just the resolution. This is what you wanted us to do, remember, at your last meeting. If you act on number three, then that resolution in its entirety would be forwarded to all municipalities. Possibly your question you're going to pose would apply to number four as opposed to number three. Commissioner McMasters said, well, maybe we should have inverted these in the binder. Let me try another question and you tell me, Russ [Abolt], if it should be held to the next one. In the amendment to the Code of Chatham County, 20-306 Reinspection, there's two challenges that affect County resources in the absence of having the permits posted. One, of course, is for Gregori Anderson's staff. The other is for the Board of Assessors' staff, the appraisal staff, that when they go into a neighborhood to do a re-val or new construction, if you will, when they don't find the permit posted, it creates additional work and time for them as confirmed by the Board of Assessors. My hope was that in refining this that we would also arch out and create a situation where that same compliance for Gregori's [Anderson] people would be a compliance requirement with regard to Board of Assessors staff. County Manager Abolt said, I view those comments totally in context of number four. This is —, to discuss it at this point I defer to the County Attorney as to whether or not in the suggested amendment that type of experience and expense would be justified.

County Attorney Hart said, I need to give that some thought. I think if you —, if you required the posting of the permit and the permit was not there and Building and Regulatory Services [sic] came on the premises and it were not there, then you could probably require some type of fine. You may even deem it an inspection or reinspection I guess at that point. The power that we're using there to require the posting is a regulatory power arising under the Building and Regulatory Services [sic] and I'm just going to have to give some thought as to whether we can make it a violation for

the Board of Assessors. That is a separate and distinct body. I've just got to figure out whether that will work that way or not. I understand what you want, I'm just trying to figure out how to get there.

Commissioner McMasters said, I thought we had brought this up two weeks ago when we kind of went down this road and I pointed out and referred to you that from the Board of Assessors, Tax Assessor equation —. County Attorney Hart said, I understand that —. Commissioner McMasters said, — it's an issue. County Attorney Hart said, — but I don't know that I can trigger that as a separate violation. Now I think the Board of Assessors can call the Building and Regulatory Services [sic] and they could trot on out there and say, "Yep, you're right, it's not out there," and Building and Regulatory Services [sic] could impose the fine. Commissioner McMasters said, agreed, but that's sounds a little inefficient. Chairman Hair said, yeah. Commissioner McMasters asked, so could you revisit this with the thought of, you know, incorporating it within the frame work that you put together or another way to address this shortcoming. County Attorney Hart said, so that if a Board of Assessors person goes out there and there isn't a posted sign, that that constitutes a violation and Building and Regulatory Services [sic] would then —. See, Building and Regulatory Services [sic] has police powers. The Board of Assessors does not. Okay? Commissioner McMasters said, you —, I depend on you to figure out a way to accomplish this. County Attorney Hart said, I can do it two step, but what I'm saying is your tax appraiser can't go out there and say, "You're in violation of the ordinance, I'm going to fine you." They don't have that authority. They have no legal authority to do that. It's not anywhere in the works —. Chairman Hair said, [inaudible]. County Attorney Hart said, — but now you as a citizen see a violation of the Code, you could call Building and Regulatory Services [sic] and they could go out and fine them. The same as the Tax Assessor. He could call Building and Regulatory Services [sic] and they could go out there and find it an ordinance violation, because that's what they do for a living. That's what they're charged by law to do. Commissioner McMasters said, well, maybe it wouldn't be so inefficient. The fact that it's discovered by a Board of Assessors member that's trying to put a home on the digest for evaluation purposes would also be solving Gregori Anderson's problem because ultimately his people will be called sooner or later for an inspection. So maybe it's not the —.

Chairman Hair asked, Mr. Anderson, do you want to comment on that?

Mr. Gregori Anderson said, yes sir. Good morning. Mr. McMasters, you've made a very valid point and I've had discussions with the Tax Assessor's office where this issue began to come up and if her inspectors ran into this problem to let us know and that we would certainly go out there and follow through with that and then we could assess a reinspection fee based on that violation. So that communication has already happened between our office and the Tax Assessor.

Commissioner McMasters said, well, under the [inaudible] that you have created here, then a Board of Assessor appraisal staff member could find this challenge, obviously it's going to create the work that they'll solve, if they notify Gregori, Gregori [Anderson] fines or assesses based on —. County Attorney Hart said, yeah, you have to do it sort of round the loop rather than direct because the Board of Assessors just doesn't have police powers. Commissioner McMasters said, okay. Would it not be —, I think —, how are you going to let builders know that there's a secondary reason —, I mean, is that necessary or are we just going to operate under the original premise of the posting? Okay. County Attorney Hart said, I think the way the thing's written is you've got to have posting and if you don't have it, you're in violation period, end of story.

Chairman Hair said, okay. Very good. Next item. County Manager Abolt said, excuse me. I don't mean to be so specific I don't want you to miss your point, but I believe you want to pass number three, which is your resolution, which would then be sent to all the municipalities and say we've got something good going here, now you do it also, and then number four you've given us direction because as with the previous item on the Individual Action, we'll come back with the amendments to the Code. I think it's very important for you to pass number three via resolution. Chairman Hair said, and then number four we'll come back as a —.

Commissioner Kicklighter said, I move we pass number three. Chairman Hair said, okay. Second? Commissioner Murray said, second. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.] Chairman Hair said, the motion passes.

Chairman Hair said, and number four will come back just like number two would —. County Manager Abolt said, first and second reading. The Clerk said, I'm sorry, I didn't hear who actually made that motion. Commissioner Kicklighter said, I did. Commissioner Odell said, Commissioner Kicklighter from the Westside.

Commissioner McMasters asked, could we somehow have —, when the City of Savannah or the other municipalities —, well, the City of Savannah has their own inspectors and they may not —, they need to know that there's also a Board of Assessors countywide rationale beyond the Building and Safety [sic] and City of Savannah Inspections Departments, which might give them more impetus and motivation to work with us in adopting this countywide. Chairman Hair asked, isn't that what we're —? County Manager Abolt said, it is the first whereas. Chairman Hair said, — to notify the cities that that's exactly what we're doing. Commissioner McMasters asked, well, would the resolution then, you know, touch on the fact that it's also productive for tax assessor purposes? Is that language in there? County Manager Abolt said, it's the first whereas. Chairman Hair said, yeah. Commissioner McMasters said, okay. Chairman Hair said, okay.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to adopt a resolution to be sent to all the municipalities requesting them to adopt the Permit Posting Method which is in compliance with the Administrative Section of the International Residential Code and State Residential Construction Code. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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**4. BOARD CONSIDERATION OF AMENDMENT TO COUNTY CODE, SECTION 20-306, "REINSPECTION FEES," AND TO PROVIDE A REINSPECTION FEE FOR BUILDING PERMITS NOT POSTED ON THE SITE AS REQUIRED BY THE DEPARTMENT OF BUILDING SAFETY AND REGULATORY SERVICES.**

For discussion regarding this item, see discussion under Item 3 above.

**ACTION OF THE BOARD:**

No action was required. This item will be brought back before the Commissioners on first and second readings.

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**5. HOUSING AUTHORITY REVENUE BONDS**

Chairman Hair said, we've been asked to approve these bonds. I'll let Mr. Hart explain this. This is in your packet. I'll let Mr. Hart explain the reason for this. I think it's fairly routine.

County Attorney Hart said, yeah, this is a routine situation. If the Housing Authority issue bonds and it's a private investment bond, State law says the highest officer in the County in which the bonds are issued has to execute a resolution to that effect. We traditionally do it. Normally we'll do it without even bringing it to the Commission, but the certification requirement this time required that the secretary attest that it was entered into the minutes of the Commission and the only way to do that is to get a motion to say sign it. It does not involve any debt or full faith and credit on the part of the Commission and it is extremely routine, but it's one of those requirements of law.

Chairman Hair said, the main reason it's here is to authorize me —, I have to sign it so I'm asking for your authorization to sign it.

Commissioner Odell said, move for approval. Commissioner Kicklighter said, second. Commissioner McMasters said, with discussion —. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, — or observation. Jon [Hart], do you realize that when the application for this project was initiated the site was in unincorporated Chatham County and then effective January 1<sup>st</sup> of this year it's now in the City of Savannah through annexation? County Attorney Hart said, no, I did not, but I think there's —, but speaking with Dana [Braun] —, no, it doesn't because it's still a non-obligation revenue bond with private citizen and I think Mr. Braun is also proceeding to the City —. Commissioner McMasters asked, my other question is is the County incurring any cost —? County Attorney Hart said, no. Commissioner McMasters asked, in this execution or authorization? County Attorney Hart said, no. No.

Chairman Hair said, no cost and no liability. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.] Chairman Hair said, the motion passes. Thank you.

**ACTION OF THE BOARD:**

Commissioner Odell moved that the Chairman be authorized to execute documents to enable the Housing Authority to issue private investment bonds. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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**X. ACTION CALENDAR**

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

Chairman Hair said, Items 5, 6 and 8 are pulled off and B is pulled off by Commissioner McMasters, Item C is pulled off by Commissioner Kicklighter, and for the record I need to add to make a modification to D because it's going to be part of the consent motion, Renew building contents and boiler and machinery insurance for County property, the amount will be \$325,122 with Travelers not with the one that's in the book. Okay, I'll —.

Commissioner Rayno said, I make a motion to approve the balance of the Action Calendar. Chairman Hair asked, second? Commissioner Murray said, second. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

**ACTION OF THE BOARD:**

Commissioner Rayno moved that the Action Calendar be approved in its entirety with the exception of Items 5, 6, 8, 10-B and 10-C. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

**[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 NOVEMBER 7, 2003, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Rayno moved to approve the minutes for the pre-meeting and regular meeting of November 7, 2003, as mailed. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD OCTOBER 30 THROUGH NOVEMBER 12, 2003.**

**ACTION OF THE BOARD:**

Commissioner Rayno moved that the Finance Director is authorized to pay claims for the period October 30, 2003, through November 12, 2003, in the amount of \$2,510,586. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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**3. REQUEST FROM THOMAS AND HUTTON, ENGINEER FOR VICCON, THE DEVELOPER, TO RECORD THE SUBDIVISION PLAT FOR SOUTHBRIDGE VILLAS ON THE GREEN, LOTS D THRU H. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Rayno moved to approve the request from Thomas and Hutton, engineer for Viccon, the developer, to record the subdivision plat for Southbridge Villas on the Green, Lots D thru H. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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4. **REQUEST FROM HARBOR FOREST DEVELOPMENT, LLC, THROUGH THEIR ENGINEER, KERN-COLEMAN, TO RECORD THE SUBDIVISION PLAT FOR HARBOR FOREST OFFICE PARK AND ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Rayno moved to approve the request from Harbor Forest Development, LLC, through their engineer, Kern-Coleman, to record the subdivision plat for Harbor Forest Office Park and accept the subdivision agreement and financial agreement. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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5. **REQUEST BOARD APPROVE A GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR FUNDING TO UNDERTAKE A COMMUNITY BROWNFIELD ASSESSMENT PROGRAM.**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. Under this Federal EPA Brownfield program, and I understand the park and school situation just on the edge of my district, I'm kind of curious, Clyde [Wester] or Ms. Stone, relative to the MPC do you have an inventory or some idea of contaminated standing sites in Chatham County? Is that part of your responsibility? Mr. Wester said, no, it's not, Commissioner, it is not. Commissioner McMasters asked, so the land planning —, you're the land planning body for Chatham County and you've never been asked to catalog or —? Mr. Wester said, the environmental site assessment that's required for subdivisions is important in this regard and that's through the County Engineer's office. County Manager Abolt said, what we've done —. Commissioner McMasters asked, does the County —? County Manager Abolt said, if I may, this goes back to our terrible experience with a previously named subdivision called Weatherwood. Commissioner Murray said, you would have to bring that up, wouldn't you? County Manager Abolt said, I said [inaudible], and at that juncture realized that there was no universal and reliable identification of contaminated sites. Now the concept of Brownfield goes beyond contamination, but what we did from that day going forward, we did put on a map all of the sites that, given our institutional knowledge, said there might be something there, but the foolproof process is as just Mr. Wester described, on subdivisions of any size beyond one lot, I believe, or maybe it's a little more than that, we require an environmental site assessment so if you want to develop on that property, you have to go do test borings and a variety of other things to satisfy there's nothing bad underneath that soil.

Commissioner McMasters asked, would it —? Mr. Pat Monahan said, I can answer your question. The State of Georgia maintains a list that's available on the Internet. It's under the Environmental Protection Division site. It provides —, it's called a HISSA list, and don't ask me what the acronym stands for, but it provides a list of all sites that have the possibility of contamination, not necessarily that are contaminated. Those are categorized separately, but they may have a potential for that contamination based on historical use. Commissioner McMasters asked, does the federal government have a website too? Mr. Monahan said, the federal government does have a website, but the EPA delegates that authority to each individual state, and you can find that almost any state maintains that same website.

Commissioner Odell said, but the EPA has a website that lists all potential hazardous properties. Mr. Monahan said, but those are actually identified on the state level. Chairman Hair said, Commissioner McMasters still has the floor.

Commissioner McMasters said, since this Mother Mathilda and school thing is within the City of Savannah —. Strike that. The fact that the County has the benefit of a map that shows existing contaminated sites —, is that correct? Mr. Monahan said, correct. Commissioner McMasters said, okay. County Attorney Hart said, that's somewhat of an overstatement there. Commissioner McMasters said, I'd never do that. County Attorney Hart said, I mean, the County Engineer has historically sort of kept a running list of sites that we may be interested in, and the reason I say that that way is we do not know whether they are in fact contaminated or not, but there have been —, you haven't had a clean phase one environmental audit. That doesn't mean you're contaminated though, and you've got to be very careful about keeping a public map listing people's property as being environmentally contaminated unless you know it is environmentally contaminated. Commissioner McMasters asked, well, do we have any definitively —? County Attorney Hart said, no, we do not have a definitive map of Chatham County that shows environmental contamination. You can't go on a person's property unless you to test for something like that. Commissioner Kicklighter said, plus we couldn't afford to go test on privately owned property. County Attorney Hart said, I don't mean to interrupt your flow, but we've got to be careful about what we say there.

Commissioner McMasters asked, well, would that school and park now be added as our first ones? Mr. Monahan said, no sir. Now, let me explain to you about the park and school. I can't speak for the school, but I can speak for the park. The County acquired that property knowing that there were some environmental problems. Those were —. Commissioner McMasters asked, contamination problems? Mr. Monahan said, absolutely. We knew that when we bought the property based on the historical use and if you go back and take a look at the record, the County acknowledged that

and worked with the Environmental Protection Division to clean that park up, which it did. The areas that are causing a problem are subsurface, a couple of feet below, which are out —, and they're out of the play areas. The County focused exclusively on those play areas, meaning the football field, the baseball field, the playground, all the sections of the park, let's say two-thirds of the park closest to where East Broad Street's —, East Broad Street is located. The problems that are —, the areas that are causing problems are two areas. One, a grove of trees, and the reason why was because, I didn't work on the project, but assuming a decision was made not to fill in those grove of trees because if you would have done that, the roots would have died —, the trees would have died from the covered roots, and the other is just a drainage area that's on the low end of the park and, of course, you can't fill in the drainage area because the water can't go anywhere. So that was a cautious decision made back in the late 1980's —, 1990's, and when the park project was finished, EPD came in and a follow-up test was done and it came up clean, and even in the retesting that we've done, it has shown that based on more than 30 surface samples that the County paid for at the park just to show, we went back and verified that same information, which actually also verified the EPD information. County Attorney Hart said, and the threshold limit values on that property also went down between the time we acquired and what it is now —. Commissioner McMasters said, okay. County Attorney Hart said, — and that's just because the testing got better and so they decided to lower the threshold limit base.

Chairman Hair said, actually, Commissioner McMasters, the motion does what you want done. It's asking for money —. Commissioner McMasters said, yeah, and I think that's —. Chairman Hair said, — it's asking for money to do exactly what you want. Okay, so —. Commissioner McMasters said, I am fully aware that this is going to accomplish a good thing. What I'm trying to determine though is where we stand now in advance of this and what I'm hearing is that we've got a map that has some sites that may be contaminated that we don't know of. Does anyone here know if the City of Savannah maintains a map for their municipal boundary lines that —? Mr. Monahan said, no, and I think that's one of —, we are working with the City of Savannah on that project for that purpose of trying to develop the very that you're speaking of. Commissioner McMasters said, okay, but the existing map that is potentially contaminated sites we haven't given the MPC the benefit of that? Mr. Monahan asked, the —, you mean the one that the State of Georgia —? Commissioner McMasters said, well, I realize they could go onto the State website, but I'm talking about the map that the County Engineer has. County Manager Abolt said, no, sir, two different things. The County —, to use a generic term, the County Engineer's office staff I should say a number of years ago, circa Weatherwood, attempted to identify just based on memory of the most senior people at that time on staff whether or not there was any dumping. Now I realize contamination is a somewhat generic term where we're not talking about anything on that beyond just what might come about through decomposition of natural matter, namely was it a dump, how might methane be generated from that. That was the sole motivation and the reason why we said there are spots like this throughout the County, but that was more or less for us to be able to identify the universe as then known. We do not rely upon that other than it's historical because now anybody that comes in for a development since Weatherwood, and if that development has any size whatsoever, must do an environmental site assessment at their expense, which involves a test borings and the satisfaction for the County Engineer to say, "Yes, there are no environmental problems there," but that is primarily the function of Weatherwood and methane. What Mr. Monahan and you've read about in the paper is something completely different and that has to do with contamination due in this case to railroad track and other variables that would be part of Brownfield.

Commissioner McMasters said, well, in my opinion contamination really is —, goes to the core of public safety, and I think this is a great effort, perhaps overdue. The point is it says that this is a cooperative effort between Savannah State University, Chatham County and the City of Savannah. Could it not also be mentioned that this is valuable for MPC or is that implied in this? County Manager Abolt said, we —, I don't want to ever say we always assume, but certainly since I've been here, MPC and MPC staff is a part of our top management team. Chairman Hair said, yeah. Commissioner McMasters asked, well, could we —, could we just include MPC at —? Mr. Monahan said, that's actually —, it would be —, the County and the City is the co-applicants and Savannah State University will be specifically limited as the partner that will be developing the work plan and undertaking the work, but yes and it does say —, it says throughout the entire report for purposes of planning, and that's —, inherent in that would be the MPC. County Attorney Hart asked, why would we want to —? Commissioner McMasters asked, well, why doesn't it say Savannah State University and the Metropolitan Planning Commission? I mean, it represents both the County and the City, does it not? County Attorney Hart asked, why would we want to include that because it's already part of the process? You know, and the people that understand that stuff are the people that review it. The MPC is not qualified to make those kind of assessments. There's nobody over there that understands that stuff. That's what we hire the engineering department to do and that's why we hire people that have an environmental background up there to do that, and as part of the development process it's eventually going to get to the County Engineer and the County Engineer is going to have to go through the environmental process, require a phase one environmental audit. If he's not satisfied with that, he'll make them go to phase two. So it's already in the process. If you send that information over to the MPC, it's just another piece of information that they have for which they have no expertise to judge the validity of values there, and that's all I'm saying. Commissioner McMasters said, it just makes sense.

Commissioner Murray asked, are you willing to have another personnel qualified to do this for MPC? Commissioner McMasters said, if it was —, if it was established that this is a much larger issue, and maybe this study will establish that, but if in fact it is a much larger issue, I would be more comfortable with a consolidated entity, vis-a-vis the Metropolitan Planning Commission, dealing with this as opposed to individual governments. That's the purpose of the organization.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I make a motion to approve number five. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to approve a grant application to the U. S. Environmental Protection Agency (EPA) for funding to undertake a community-wide Brownfield assessment program. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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**6. REQUEST BOARD APPROVE A CHANGE IN THE LESSEE FOR RENTAL OF 17 MINIS AVENUE IN GARDEN CITY.**

Chairman Hair recognized Commissioner McMasters.

Commissioner Odell asked, can we have a rule of two, you can only pull two? Chairman Hair said, that would be a great idea. I'll vote for that rule. I'll make it one. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, I just want to say that I think this is an excellent change in organizational responsibility and utilization here, and I'm really pleased to see SABAC have this opportunity. I think it's a step in the right direction for the citizens of Chatham County in terms of the health —, mental health delivery system so I —.

Chairman Hair asked, do you want to move for approval? Commissioner McMasters said, I want to move for approval. Chairman Hair asked, second? Commissioner Thomas said, second. Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner McMasters moved to approve a change in the lessee for rental of 17 Minis Avenue in Garden City to the new tenant, Savannah Area Behavioral Health Collaborative (SABAC), effective January 1, 2004. Commissioners Kicklighter and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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**7. REQUEST FOR NEW WINE POURING LICENSE FOR 2003. PETITIONER: BILLY GREGORY HAMMONTREE, D/B/A PIGGLY WIGGLY #49, INC., LOCATED AT 7360 SKIDAWAY ROAD. [DISTRICT 3.]**

**ACTION OF THE BOARD:**

Commissioner Rayno moved to approve the petition of Billy Gregory Hammontree, d/b/a Piggly Wiggly #49, Inc., located at 7360 Skidaway Road, for a new wine pouring license for 2003. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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**8. REQUEST BOARD ADOPT THE 2004 HOLIDAY SCHEDULE.**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, I think we just needed Mike Kaigler to answer one quick question on this. Chairman Hair said, okay. Mr. Michael Kaigler said, good morning, sir. Commissioner McMasters said, good morning. The short paragraph that describes this just didn't quite answer a question for me and it says, "As per the Personnel Ordinance and Procedures Manual, employees appointed to full-time regular, part-time regular and seasonal positions shall receive regular compensation for eleven holidays per year." Mr. Kaigler said, those are the only people that receive holiday pay and they —, part-time and seasonal people, they have to be actually working for more than six months to get the holiday pay. Commissioner McMasters said, okay, and if after —, well, anyone that's working, if they're working

in a holiday —, one of the eleven holidays falls within the time frame of their employment, they get that holiday and only that holiday as paid —, as a paid holiday. Is that correct? Mr. Kaigler said, if they've been with us six months. Commissioner McMasters said, okay, that's what I need to know. Thank you.

Commissioner McMasters said, move for approval. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner McMasters moved to adopt the 2004 holiday schedule as follows: New Year's Day, January 1; Martin Luther King, Jr. Day, January 19; President's Day, February 16; Memorial Day, May 31; Independence Day (Observed) July 5; Labor Day, September 6; Veterans Day, November 11; Thanksgiving (two days), November 25 and 26; Christmas Eve, December 24; and Christmas Day (Observed), December 27. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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**9. REQUEST FROM THE TAX COMMISSIONER TO APPROVE A QUITCLAIM DEED FOR HEIRS OF LUCY WYATT, PIN 30004-14005 (F/K/A 306-05002). [DISTRICT 3.]**

**ACTION OF THE BOARD:**

Commissioner Rayno moved to approve the request from the Tax Commissioner authorizing the Chairman to execute a quitclaim deed to Heirs of Lucy Wyatt for 3104 Shell Road, PIN 30004-14005 (f/k/a 306-05002), upon payment of \$125.26. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. One (1) small trash compactor truck	Public Works and Parks Services	Freightliner of Savannah	\$68,086	SPLOST (2003-2008) - Vehicle Replacement
B. Change Order No. 2 to the contract for Second Source Water Connections to add a necessary shut off valve not found during construction	Water & Sewer	Savannah River Utilities Company	\$4,240	CIP/Water & Sewer
C. Contract for Pumping Station and Force Main at Tom Triplett Park	SPLOST	Southern Champion Construction	\$152,693	SPLOST (1998-2003 & 2003-2008) - Tom Triplett Park
D. Renew building, contents and boiler and machinery insurance for County property	Finance	Cincinnati Travelers Insurance Company	<del>\$453,689</del> \$325,122	Insurance Premium and Surety Bond Fund

**As to Items 10-A and 10-D:**

Commissioner Rayno moved to approve Items 10-A and Item 10-D as corrected. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

**As to Item 10-B:**

**Change Order No. 2 to the contract for Second Source Water Connections to add a necessary shut off valve not found during construction; Water & Sewer; Savannah River Utilities Company; \$4,240; CIP/Water & Sewer.**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, Robert [Drewry], in the pre-meeting we were trying to figure out the specificity about this. Is this two separate water lines or is this the City of Savannah's water line? Mr. Robert Drewry said, it is the City

of Savannah's water line. They provide it as stub out. Commissioner McMasters said, okay. Is this the only line that serves where you and I met, the Runaway Point Park communities? Mr. Drewry said, I'm not sure I can answer that. This line serves the industrial properties across Islands Expressway. I really don't know if it serves the park or not. I don't have that information with me. Commissioner McMasters said, so the meters that we looked at at the exit point of Runaway Point Park that comes out at the street where the water line was leaking and the neighbors talked to us about the anomaly of their usage being consistently the same number month after month and we kind of investigated it, is that the same water line? Mr. Drewry said, I think I know what you're asking. Are you talking about the water line that runs down Riverview —? Commissioner McMasters said, I think [inaudible]. Mr. Drewry said, — and the meters are right there at the entrance to the park? Commissioner McMasters said, yes. Mr. Drewry said, I think it would be an assumption that that would be the same water line, but I don't know for sure. I don't know what's in the ground at that point. This —, the connection is further toward Islands Expressway, just behind —. Commissioner McMasters asked, is it on the north side or the south side? Mr. Drewry asked, of Islands Expressway? Commissioner McMasters said, right. Mr. Drewry said, it would be the south side. Commissioner McMasters said, the south side. Isn't that where a commercial development is going on on the corner? Mr. Drewry said, yes, yes. Commissioner McMasters asked, does this addition have any bearing on that project? Mr. Drewry said, I don't know the details of that project. I don't have the plans or anything. I can't answer that. Commissioner McMasters said, okay.

Chairman Hair said, I'll entertain a motion. Commissioner McMasters said, I move for approval. Chairman Hair asked, second? Commissioner Thomas said, second. Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.] Chairman Hair said, the motion passes.

**As to Item 10-C:**

**Contract for Pumping Station and Force Main at Tom Triplett Park; SPLOST; Southern Champion Construction; \$152,693; SPLOST (1998-2003 & 2003-2008) - Tom Triplett Park.**

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. Back when I campaigned about trying to get elected, I talked about getting restrooms out at Triplett Park and if I had known it was going to be this hard I probably wouldn't have made that one of my campaign goals, but I'm excited that three years later it's about to happen and I'd like to ask Robert Drewry to just kind of briefly tell everybody what's going on and what has gone on there.

Mr. Drewry said, well, what you have in front of you right now is construction of a force main to serve Triplett Park. Yeah, this has been a complicated site. I guess typically you would want to put a septic tank out there, but with the Pooler gumbo out at Triplett, it just wasn't practical, so a force main had to be constructed to go along Highway 80 and it's going to eventually drop sewage into a gravity line that serves the Savannah Port Authority Industrial Park. About 9,000 feet of force main is what it is. Right now, as you know, you've already awarded a contract for construction of the restrooms, the picnic shelter and a well and that is in place. Excuse me, I don't want to mistake that. That is in construction right now. These will mesh together about the same time, first of the year, next February or March, something like that, and then they'll all hopefully be ready for service barring any unforeseen conditions.

Commissioner Kicklighter said, and also I'd just let the Board know that they're about to go out for engineering services on the next phase to get started, and I want to thank all of you for your support in working with the tough challenges to get the restrooms out there, and I'll make a motion to approve. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

1. Commissioner Rayno moved to approve Item 10-A and Item 10-D as corrected. Commissioners Murray and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]
2. Commissioner McMasters moved to approve Item 10-B. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]
3. Commissioner Kicklighter moved to approve Item 10-C. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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## **XI. FIRST READINGS**

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

1. **PETITIONER, PHILLIP MCCORKLE, ATTORNEY (FOR TERRY M. COLEMAN, AGENT) IS REQUESTING REZONING A 1.08 ACRE SITE LOCATED BETWEEN LADONNA DRIVE AND WILMINGTON ISLAND ROAD, ACROSS FROM MAY D. HOWARD ELEMENTARY SCHOOL, FROM AN R-1 (ONE-FAMILY RESIDENTIAL) TO A P-R-3-5 (PLANNED MULTI-FAMILY RESIDENTIAL) ZONING CLASSIFICATION. THE MPC RECOMMENDED APPROVAL. MPC FILE NO. Z-030918-57195-1 [DISTRICT 4.]**

Commissioner Murray said, I've got a couple of questions. Clyde [Wester]? The way I understand it, everybody is in agreement that they will not have curb cuts coming into Wilmington Island Road. Mr. Wester said, that's right. Commissioner Murray said, the large oak trees that are on the property now will stay on the property. Mr. Wester said, yes. Commissioner Murray said, and that those buildings would be facing Wilmington Island Road and not facing —, the back part will not facing the road. Mr. Wester said, I think actually they do face the property to the rear —, or they're straight to the rear, or it would be the rear. I don't know the name of the street. Commissioner Murray said, I understood that they would be facing Wilmington Island Road and the parking would be in the rear. Mr. Wester said, actually, Commissioner Murray, this is a rezoning petition. It's not a —. Chairman Hair said, it's not a [inaudible]. Commissioner Murray said, I understand that. Mr. Wester said, I don't remember the particulars of the site plan that was presented to the Planning Commission for information purposes really. It wasn't —, it's not —. Commissioner Murray said, I understand it's rezoning, but in order to vote for rezoning for this property, those things have to be in place. That's why I'm asking the questions. Mr. Wester said, well, I think that is a separate issue from the zoning and no type plans have been submitted to MPC. We're aware —, very much aware of the concerns about access to the property and I think when the site plan is submitted, we would not approve it with the access onto Wilmington Island Road, but there's nothing in this rezoning petition that is tied directly to that. We have not seen the site plan.

County Attorney Hart said, Commissioner Murray, you might make a finding that this is unique property and due to the special circumstances of that property that perhaps entertain the zoning should be approved subject to this Commission reserving the right to review —. Chairman Hair said, the site plan. County Attorney Hart said, — the site plan. Chairman Hair said, we've done that in the past.

Commissioner Murray said, well, that's what I wanted to do and the reason I brought those issues up, I've been told by the people developing the property that's what they're going to do and they are in full agreement with that. It makes more sense to me to have this property zoned to this zoning because it's more restrictive than what's in there. They're only going to put the four units in rather than the five or six individuals they could put in and go in and clear cut. So those are some things that I'd like to see in there and that's what I was told was going to be in there and that's why I asked the questions. Mr. Wester said, that is our understanding as well. I don't know if the unique and unusual provision of the ordinance though can be invoked unless the site plan is approved at the same time. Chairman Hair said, yeah, this is first reading today. Mr. Wester said, this is only for the zoning. Commissioner McMasters said, thank you.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, my understanding between the R-1 district and the PR-3-5 district is the fact that in the R-1 you would have one dwelling per unit and in the PR-3-5 you could have up to five dwellings per unit. Is that correct? Mr. Wester said, well, the maximum number of units —, the maximum density in the single-family district, R-6, is five units per acre, as it is in the proposed PR-3-5 and so they're identical. The density doesn't change. Commissioner Rayno asked, it doesn't change? Mr. Wester said, it doesn't change, it's the same. It's five units per acre maximum. Commissioner Rayno said, but typically in a R-1 they would just put one house on the unit. Mr. Wester said, on —. Commissioner Rayno said, in an R-1 district. Mr. Wester asked, one house per what? Commissioner Rayno said, per area, per unit. Mr. Wester said, no, it's five units —. Chairman Hair said, [inaudible]. That never changes. Commissioner Murray said, this is —, it's just a little over one acre of property. Chairman Hair said, right. Commissioner Rayno said, okay. I guess my only concern is the fact that this zoning change that you want to make is inconsistent with the comprehensive land use plan. Mr. Wester said, we think so, Commissioner. The land use plan of course has a map and the map shows the —, this particular property as single-family residential. That's single-family detached residential, and it was really shown that way because the property was zoned R-6 and because it was vacant. If we had shown it otherwise, we would have had to show it as multi-family and without a maximum density. Now what has happened is on the proposal we are able to establish a density and that was certainly considered in the recommendation for approval, but there's a policy statement in the Islands Land Use Plan that says one goal of the community shall be diversity of development and including different types of housing forms to serve all ages and circumstances as people age in the community, and this is consistent with that. It's also on a lot that is adjacent to two other alternate forms of housing. There's a multi-family housing project on one side and there's a single-family

attached housing on the other, and so it's —, and also there's a —, in the Islands Land Use Plan it mentions that housing —, a list of types should be located in close proximity to the town center. In fact, this site adjoins the town center, so it's consistent with all these principles. It's not literally consistent with the land use map, but it is consistent with the principle. Commissioner Rayno said, what's troubling within the last few meetings is we've been seeing properties that are trying to go around the land use plan and it's like every meeting there's another one, and this is just the third one that I can think of that wants to not be consistent with the land use plan, and it makes me wonder why we ever passed a land use plan if every meeting we're going to have somebody come and say, "Well, this is really a better idea and the land use plan was wrong." Mr. Wester said, but as I said though, in this particular case I believe that it is consistent with the principles of the land use plan. Commissioner Rayno said, but your Facts & Findings says that it's inconsistent. Mr. Wester said, well, we used the map so, you know, literally it is not consistent, but it is consistent with the principles of the plan. Commissioner Rayno said, well, it sounds like government [inaudible] community whether they're consistent or inconsistent, you can't seem to decide.

Ms. Helen Stone said, I was just going to say in the adoption of any land use plan obviously from time to time amendments are going to have to be made. You can't formulate a plan and expect it to last forever, and since this plan is relatively new, I'm certain that there will be a few other petitions that come before that because of the circumstances of that petition, like warrant some type of variation from the plan. I would like to add on the minimum side yard setbacks for the PR-3-5 district, it is actually 25 feet and with a single-family residential it's only 5 feet, so this does allow some side yard protection from the surrounding neighbors.

County Attorney Hart said, one point I'd like to make though is that technically any time you have a rezoning, and I'm talking about any rezoning, technically speaking it's inconsistent with the land use plan because the land use plan had already been adopted as something else and if you rezone the property, staff would also have to say it's technically inconsistent with the present land use plan. That does not mean that the rezoning is inconsistent with the scope or desire to have a comprehensive land use plan.

Ms. Stone said, and I would also like to add that when this petition came before us that no one in the audience objected to it. I believe the citizens —, Island Citizens for Logical Growth were okay with it and we didn't have any objection and it was voted on unanimously by our board. So obviously we did not see or do not see any problems with this change.

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Dr. Thomas. Ms. Stone, at the last meeting we addressed the Bryan Woods and U. S. Highway 80 rezoning. Ms. Stone said, I was not here for your meeting, but —. Commissioner McMasters asked, are you familiar with that small doctor's complex? Ms. Stone said, I'm familiar with the plan, yes. Commissioner McMasters said, okay. Ms. Stone said, I mean, I don't have the details in front of me and —. Commissioner McMasters said, no, I'm not —, I'm really not going to go to the details. I'm just —. Ms. Stone said, it's hard to remember when you see about 25 petitions every two weeks, it's hard to remember the details of each one. Commissioner McMasters said, fair enough. This is a general question. Ms. Stone said, certainly. Commissioner McMasters asked, would you consider that application and that —, would you consider that to be spot zoning? Ms. Stone said, without the petition in front of me —. County Attorney Hart said, no. The answer to that is no. Ms. Stone said, — I can't really —, I can't really address the question because I don't have the overall map, but obviously —. County Attorney Hart said, the answer to that question is no, it is not spot zoning. Commissioner McMasters asked, could you give us a definition of spot zoning? County Attorney Hart said, spot zoning is where you go in and take a zoning mechanism irrespective of what your land use plan is and designate it for a particular use that is inconsistent with your land use plan, your comprehensive plan, the zoning regulations and the Zoning Administrative Procedures Act. We do not do that in Chatham County. Commissioner McMasters said, okay, would —. Chairman Hair said, it's illegal. Ms. Stone said, it would be singling out a piece of property. Commissioner McMasters said, okay. Well, would the turning a residential zoned piece of property into commercial, that wouldn't be considered spot zoning? County Attorney Hart said, no. Commissioner McMasters asked, no? Okay. The only reason I ask is I know —, I know that there's an issue in my district in Sandfly that has been before you and you've referred it out back to the community and the community has met with people and I presume are going to come back to you and —. Chairman Hair said, let's keep —, Commissioner McMasters, let's keep it germane to this item. That's not germane to this item. Ms. Stone said, I'm not familiar with what item you're referring to. Commissioner McMasters said, okay. Well, I'll wait —, well, fine. I'll bring it up when that one comes, but let me address this one specifically. In the zoning recommendation sheet that you all sent over and it says twelve people plus chairman present and it gives us "For Approval: 12" and then it has a spot for denial and then a spot for abstaining. When it's not unanimous and there are votes either abstaining or for denial, can we —, could we know who voted which way? Is that possible in the course of your preparation of this report? Ms. Stone asked, Mr. Wester, that could be altered, couldn't it? Mr. Wester said, absolutely. We could add —, we could add that. Ms. Stone said, I mean, it's public record as to how people voted. Commissioner McMasters said, I know it is and instead of us having to go dig it out, if that could be appropriated in this report —. Chairman Hair said, they've agreed that that will be done. Commissioner McMasters said, that would be greatly appreciated. Ms. Stone said, okay. Chairman Hair said, thank you. Ms. Wester said, it's shown in the minutes of our meeting. Chairman Hair said, well, just to accommodate Commissioner McMasters. I think it —, y'all agree to —. Mr. Wester said, absolutely. Ms. Stone said, that would be fine. Commissioner McMasters said, okay. Thank you. Chairman Hair said, okay, very good. Chairman Hair recognized Commissioner Murray.

Commissioner Odell asked, but why would we do that? Chairman Hair said, well, all it does is it puts it on the form. He's just asking if he —, it's already in the minutes. He's asking that it be put on the form that they send over showing

the vote. Commissioner Odell asked, why don't we do that then for everything that we do? Chairman Hair said, well, because we don't require separate reports. It's in our —, it's included in our minutes how we do record votes.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, in reference to the Islands Land Use Plan that was adopted with the input of an awful lot of people. I don't consider this as something that's going to really affect our land use plan nor do I see the one we did at the last meeting affecting that land use plan to any degree. Both of these petitions, the one we did last meeting and the one that we've got up for first reading this time, have unanimous approval from people that we appointed to MPC. They have approval from the people that live in the areas. They have the support of the Commissioner that represents that area, and I'm going to support it. If some of y'all don't want to support it for any particular reason, that's up to y'all, but I'm getting tired of things coming back to this Commission without going through the person that represents that district and trying to tear it apart, and we can either take care of it or we can let it keep going that way, but I'm getting tired of it.

Chairman Hair said, thank you, Commissioner Murray.

**ACTION OF THE BOARD:**

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

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**2. AMENDMENTS TO SECTIONS 21-306 "OPEN BURNING REGULATED" AND 21-404 "SELF-MANAGEMENT OF YARD WASTE MATERIALS IN UNINCORPORATED CHATHAM COUNTY" (LEAF BURNING).**

County Attorney Hart said, basically is the ordinance first reading that we discussed last meeting, and basically we've broadened the —. Chairman Hair said, it's got the additions that the Commissioners had asked —. County Attorney Hart said, it added the additions of burning from —, before 10:00 a.m. Chairman Hair said, right. I think, Commissioner Murray, you particularly asked —, the comments you made are included in this revision.

**ACTION OF THE BOARD:**

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

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**XII. SECOND READINGS**

None.

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**XIII. INFORMATION CALENDAR**

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

**ACTION OF THE BOARD:**

A written report was received as information.

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

**ACTION OF THE BOARD:**

A written report was received as information.

**AGENDA ITEM:** XIII-2

**DATE:** November 21, 2003

List of Purchasing Items between \$2,500 and \$9,999  
That Do Not Require Board Approval

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
On site support services for preparation of the digest	Tax Commissioner	Visicraft Systems, Inc.	\$4,494	General Fund/M&O - Tax Commissioner
One (1) A/C reclaimer	Fleet Operations	BJ's Tools, Inc.	\$3,549	General Fund/M&O - Fleet Operations
Cisco network infrastructure	Juvenile Court	Entré Computer Center (MBE)	\$2,998	General Fund/M&O - Juvenile Court
Complete overhaul of pump #1 in the boiler room	Detention Center	Boaen Mechanical Contractors, Inc.	\$3,848.50	General Fund/M&O - Detention Center
Three (3) Hewlett Packard desk jet printer/fax	Detention Center	Disys Corp.	\$3,036	General Fund/M&O - Detention Center
Remove sheetrock as required to repair water leak in wall, clean entire crawl space and level dirt, lay plastic sheeting on dirt floor to reduce humidity level and install one new one-ton window A/C unit in the bathroom at the Tybee Island Branch Library	Live Oak Library	Boaen Mechanical Contractors, Inc.	\$6,800	General Fund/M&O - Live Oak Library
Annual maintenance agreement on dictation recording system	Police	DECA, Inc. (sole source)	\$8,646	E-911
300 tons crushed stone for various road repairs	Public Works and Park Services	Carroll & Carroll, Inc.	\$3,900	SSD - Public Works and Park Services
Remove and install new carpet and cove base and clean up and dispose of all debris at Gateway Bloomingdale	Gateway	Culver Rug Co., Inc.	\$5,862	CIP - Gateway
Painting of the clubhouse and cart building at Henderson Golf Course	Land Bank Authority	BK Enterprises	\$4,588	Land Bank Authority
Demolition of County owned property at 9502 Middleground Road	SPLOST	American Clearing and Hauling	\$2,500	SPLOST (1993-1998) - Middle-ground Road

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Provide professional services related to the design of a replacement drainage structure at St. Ives Court at Georgetown Canal	SPLOST	Hussey, Gay, Bell and DeYoung, Inc.	\$9,275	SPLOST (1998-2003) - Fawcett Canal
One (1) used 1998 Ford F150 pickup truck	Public Works and Park Services	Fairway Lincoln-Mercury, Inc.	\$9,750	SPLOST (2003-2008) - Vehicle Replacement
Five (5) Hewlett Packard color laser jet printers	Live Oak Public Library	CDW Government, Inc.	\$6,125	CIP - Vehicle and Equipment Lease
Water system capacity evaluation Phase I for the Burroughs Water system	Water and Sewer	Jordan, Jones and Goulding, Inc.	\$2,500	Water and Sewer Fund
Miscellaneous water and sewer meter boxes and supplies	Water and Sewer	National Water Works, Inc.	\$3,397	Water and Sewer Fund
300 tons limestone base for the Thomas Avenue landfill	Solid Waste Management	Martin Marietta Aggregates	\$3,450	Solid Waste Management Fund

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**3. ROADS AND DRAINAGE REPORTS.**

**ACTION OF THE BOARD:**

Written reports were received as information.

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**4. INFORMATION REGARDING DEVELOPMENT AND INSTALLATION OF NOVALIS PERMITTING AND OCCUPATIONAL TAX SOFTWARE.**

**ACTION OF THE BOARD:**

A written report was received as information.

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**5. STATUS REPORT ON THE REQUEST FOR PROPOSAL FOR A CONSULTING FIRM TO ASSIST IN RECRUITING, MONITORING AND MANAGING MINORITY PARTICIPATION IN FUTURE SPLOST CONTRACTS.**

**ACTION OF THE BOARD:**

A written report was received as information.

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Thomas, seconded by Commissioner Kicklighter and unanimously approved, the Board recessed at 11:10 a.m., to go into Executive Session for the purpose of discussing litigation and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 11:23 a.m.

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**ITEMS FROM EXECUTIVE SESSION**

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

**ACTION OF THE BOARD:**

Commissioner Murray moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Rivers was not present when this vote was taken.]

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**ADJOURNMENT**

There being no further business to be brought before the Board, Chairman Hair declared the meeting adjourned at 11:24 a.m.

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

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

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SYBIL E. TILLMAN, COUNTY CLERK