

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, DECEMBER 5, 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

Vice Chairman Thomas called the meeting to order at 9:30 a.m., Friday, December 5, 2003.

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II. INVOCATION

Commissioner Murray 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. 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

ABSENT:	Dr. Billy B. Hair, Chairman
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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

Vice Chairman Thomas introduced the following Youth Commissioners who were in attendance: Alecia Green, a Senior at Savannah Arts Academy, Wendell Greene, a Junior at Beach High School, and John Hawkins, a Senior at Savannah Christian Preparatory School.

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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. DRUG COURT (COMMISSIONER THOMAS). *NOTE: Delayed from November 21, 2003 meeting, so that Judge Bass can be in attendance.*

Vice Chairman Thomas said, I placed that on the agenda because we were very impressed with the first graduation exercise that was held some time ago, and I invited Judge Bass to come before the Commission, and he would like to make a presentation this morning to us. Good morning, Judge.

Judge Bass said, good morning. I want to distribute a fact sheet to the members of the Commission so they can look this over and I also have an article from the New York Times and —, for assembling our budget for next year. I first want to thank the Commission for allowing me to address you again about the Drug Court. As you know, this is our third year of existence. We began in 2001. We had our first graduation last month. We had four graduates. We're quite proud that they have managed to stay clean and sober for over two years. It's a testament to the program and the kind of things we're trying to do. The thing I want the Commission to focus in on is that the Drug Court program actually presented a cost savings to this community. It costs \$15 a day for supervised drug treatment to those in the Drug Court program, and yet it costs \$45 a day to house somebody in the Detention Center. It just makes sense, I think, fiscally to consider expanding the program and maintaining what we have. As you can see, we anticipate it's going to cost us about \$300,000 next fiscal year to begin operation. The bulk of the money we received this year was through a grant through the Department of Human Resources for \$160,000, and I do want to thank Commissioner Rayno for helping us get that money, but the Department of Human Resources is going through a financial crunch and they told us not to anticipate the same level of funding next year. So in order for us to continue operation, we're going to need additional financial assistance through the local government entities. The City of Savannah has at least made an initial commitment of funding us by giving us \$25,000 on July 1st at a minimum. We're asking the County consider at least matching that sum and we may be coming back with further money to allow us to continue operating. I want to thank Dr. Thomas and Mr. McMasters for attending the ceremony. I think they were impressed with us, and that's important to show we've been appreciated. Are there any questions that any Commissioners have about what we're doing?

Vice Chairman Thomas said, Commissioner Odell and then Commissioner Rayno.

Commissioner Odell said, good morning, Judge Bass. Judge Bass said, good morning, sir. Commissioner Odell said, as a practicing attorney I think the program is an excellent program. We have people who are serious about crime prevention, but unwilling to make the financial commitment necessary to prevent crime. We compare the cost of your program in approximately \$15.50, \$16 a day, and to house them, a prisoner, it's approximately \$45 a day, but that \$45 a day figure is less than accurate, and the reason it's less than accurate is that so often the facilities they're being housed in have been paid for by other sources and that share is not distributed to the individual inmate, so it's higher than \$45. I think your program is an excellent program. I would like to see it expand. In this time of tight economics, you know, having practiced many years, that the crime rate's going to go up. Unfortunately we have a large segment of the community who got into a cycle where they use crime, marijuana and other substance and during those use periods the crime rate elevates. Your program has kept people clean for that two-year period. I'm a little envious in that I've tried to get people in there and a lot of my clients don't qualify, but I'd like to see the program expanded, and if this community is serious about fighting crime, this is one of the ways that you fight crime. Fighting crime cannot be just a vocalization, there has to be a financial commitment, and we're not going to solve the problem with one particular step but millions of miniature steps. This is a major step that we need to continue and I urge my Commissioners that if you look at the crime statistics as, I forgot who —, it was in the 2001 FBI Report, and you correlate even a crime like burglary, but if you look at the offender, then the vast majority of those people were using some types of substance.

So it's incumbent upon us that we plan to get a hold on crime to support programs like not only Judge Bass but the other Superior Court Judges appear to support wholeheartedly. Judge Bass said, thank you very much, Commissioner.

Vice Chairman Thomas said, Commissioner Rayno and then Commissioner Kicklighter.

Commissioner Rayno said, good morning, Judge Bass. I first wanted to thank you for your fine comments at the graduation ceremony and also this morning. It was unnecessary. I think it was because I love what you do with that program. It is really, really good. I think it was providential the day that we sat down next to one another and had a meal and talked about the problems you were facing and what you wanted to do, what your vision was, and I was only glad to help you accomplish that, and I give you my commitment that if I remain on the Regional Board, I will try to continue to direct funds your way for that program because it's a win/win for the community in the sense that, number one, we do save tax dollars by putting people in this program, but at the same time through tough love you give them the opportunity to rebuild their lives and they go back being productive members in society and not continuously going back to jail time and time again, and I think it makes a dramatic difference. The success rate of your program, the one in Glynn County, and ones around the country are going to be the premiere ways that we start to reduce the jail population, which is the premiere issue that's going to face the County within the next year to next two years and next ten years, and it was amazing to me during the City elections all these people that were talking about being tough on crime never mentioned the fact that the jail is already full. You know, if they're going to be tough on crime, where are they going to put those criminals and how are they going to deal with them? And so we need programs like this to start to alleviate that problem, and Judge Brannen was the one that told me that you can't do one thing in the criminal justice system without causing a ripple effect on the other parts, and that resonates with me every time when I think about these issues, and again thank you for what you've done and expect that I will commit to this program because it does save tax dollars in the long run and it's a good use of money. Judge Bass said, thank you, sir.

Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. Judge, I attended your first meeting when you were bringing the program here and I just want you to know that there's no doubt in my mind you've done exactly what you said you were going to do. There's a middle-aged fellow that I know that has joined the gym and he is so proud of himself that he attended —, he was one of your people that actually had to attend the Drug Court and he was just so proud of himself. He came in and just told me that he was there and, you know, he was doing good and, like I said, I know from this one fellow, and I know the stats are better than that, I know that you saved one person and probably his life and, you know, when you save one and change their life, we're doing something right. And, you know, I support you. I supported you in the beginning. You're doing a good job. I mean, when a man will come in, a grown man, and openly tell another grown man that he's a part of something like that, you know, and he was proud of being there because he was proud of himself because he was staying off the drugs, you're doing a great job for this community, and I support you too. Judge Bass said, well, thank you so much for your support.

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Dr. Thomas. Judge Bass, it was an honor and a privilege for me to attend your graduation ceremony. It was —, not only does this make fiscal sense, but it's a —, it's a humanity improvement in the sense that people who go to jail, they —, they're not going to get treatment for their diseases, and your program is vital, it's innovative, and I just want to thank you for it and, as Commissioner Odell suggested, I'm one of those people that advocates getting tough on crime, but I want you to know I'm also a person who will fund programs like this consistently. Judge Bass said, I think the watch word now is getting smart on crime in terms of how we spend our resources and how we support ourselves. Commissioner McMasters said, thank you. Judge Bass said, thank you.

Commissioner Odell said, Judge, I'd like to have a few minutes to reflect at the budgeting preparation phase, that this item will be listed as a priority item, your funding request, and I will make that as a motion if it's necessary. Commissioner McMasters said, I second that. Commissioner Kicklighter asked, does he need it now? Commissioner Odell said, no, but what I —. Commissioner Kicklighter asked, \$200,000? Commissioner Odell said, no, don't need it now. Is that right? Judge Bass said, no, July 1. Commissioner Odell said, okay, what I want to do is I want to make certain because we're going to have a multitude of requests, this is a request that I think is essential. It's an infant program. We need to make certain that we put the money to do the things necessary. And, Russ [Abolt], if this could go on our list of items so that we will not have to individually remember that they requested \$25,000 —. County Manager Abolt said, sir, it just —, in appreciation for what the Judge has said, he was kind enough to talk to me earlier this week. I had Ms. Cramer with me. We've already made a budget and that would effect —, at that time I thought it was going to be \$30,000, but in my proposed budget that fund —, those funds will be there. Of course, it's not necessary to remember them. I will remember them. Commissioner Odell said, that's what I love about you, Russ [Abolt]. Vice Chairman Thomas said, okay. County Manager Abolt said, it's manly love though, right? Manly love. Vice Chairman Thomas asked, would you put that in the —. Commissioner Odell said, manly.

Vice Chairman Thomas recognized Commissioner Rivers.

Commissioner Rivers asked, Judge Bass, is this request for this year and do you foresee any additional monies being needed other and beyond the \$25,000? Commissioner Odell said, say yes, James [Bass]. Judge Bass said, oh, of course. We kind of made a conservative request for \$25,000, but I have a sense we will need more than that. What we're asking at least a little bit of money to start out as seed money. We wanted also to approach some private

foundations to assist us in our operation as well, but at least a minimum of \$25,000. Commissioner Rivers said, this \$25,000 that you're requesting now is for now? Judge Bass said, no, it's for October —, it's for July 1. Commissioner Rivers said, next year. Judge Bass said, July 1. Right now we have enough money to continue operation until July 1. Commissioner Rivers said, then I would say that you put your total request in and let us cut it back if necessary when you put it in. Judge Bass said, all right. Commissioner Rivers said, because it's going to be ongoing and make sure that's there.

Vice Chairman Thomas said, okay, we have a motion and a second on the floor. Commissioner Rayno said, he said it was unnecessary. Commissioner McMasters said, no, we were withdrawing that in view of the County Manager's comments. Vice Chairman Thomas said, okay, thank you. Judge Bass said, thank you. Vice Chairman Thomas said, thank you, Judge.

ACTION OF THE BOARD:

Received as information.

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2. UNINSURED AND LOW INCOME ACCESS TO HEALTHCARE (COMMISSIONER MURRAY).

Commissioner Murray said, I appreciate the item that we just left and the comments that were made on that because I think this in some way plays a part in that also. I had a meeting I guess probably a month ago out at Memorial to go through their facilities and look at the changes they've made and some of the things going on, and at that time I was able to meet and discuss another issue and that is the uninsured health care, indigent health care in this community and how it's being provided, and I was not aware of it at the time, but I was made aware that NACo, who's the National Association of County Commissioners, has representatives they will send out to communities if the Commissions request that support. They come in and meet with those providers —, those indigent health care providers, the major players in this, to try to come up with ways to better institute, how we provide indigent health care, the funding for that health care. We have people —, two representatives here now, one from Memorial and one from Westside Urban Health Center if anyone has any questions, or if y'all would like to make any comments on it that will be fine. I don't know if anyone's here from the J. C. Lewis Health Center or not, but they are aware of it also, and the way I understand it, the three major providers in Chatham County are the Urban Health —, Westside Urban Health Center, the J. C. Lewis Health Center and Memorial Health Center. So if y'all would like to make some comments or to go more into it, or any Commissioners have any questions that would be fine.

Mr. E. G. Miller said, thank you. Good morning. Vice Chairman Thomas said, please give your name. Mr. Miller said, I'm E. G. Miller, Westside Urban Health Center. It is no longer Westside Urban, it is now Curtis V. Cooper Primary Health Care. Ladies and gentlemen, we are pleased to make that announcement and you will be receiving information along those lines. Thank you.

Mr. Peter Doliber said, and I'm Peter Doliber with Memorial Health, and very briefly with some of the work that I have been doing concerning uninsured and low income access to care, we came across a grant that has been given by the Health Resource Service Administration to Project Access, which is a Robert Wood Johnson Foundation project. They are working with Project Access. Some individuals, one you may know, Wally Pollaski [phonetic], who is the former Director of the Georgia Primary Health Care Association, and then a Leslie Bochan of NACo, and they're selecting a few communities within the country that will invite them to come in and then, depending upon the request from that area, to work with them to address the low income uninsured needs. The concern that Mr. Miller and we share along with the other entities that Commissioner Murray mentioned, is that with potential budget cuts coming up as well as what we're already facing now, that we may have more individuals in need of care without a resource to pay for them and we don't want them falling through the cracks. They work —, this group works predominantly with federally qualified health centers, which is what the Curtis V. Cooper Health Care Center is. We would ask that the Commission invite them down. They'll come for one meeting. There's no cost to the County or to anyone, it's all covered in the grant. They would then meet with whatever entities the Commission would like them to meet with and see where the discussions go from there and what they would offer, depending upon the request and the need, is to offer technical assistance to increase access to care in the County.

Commissioner Murray said, excuse me, Mr. Doliber, I see Michael Elliott just came in from J. C. Lewis Health Center, if you want to come up too if you have any comments to make.

Mr. Doliber asked, are there any questions or anything we can answer for you all?

Vice Chairman Thomas recognized Commissioner Odell.

Commissioner Odell said, the first phase would be to get all of the players in, NACo would send a representative down here, and that representative would meet with the three of you and your organizations. Is that agreeable to the three of you. Mr. Doliber said, absolutely. We have all talked. Commissioner Odell said, okay, and at some point NACo, that representative will make a preliminary assessment as to what kinds of things we can do to better coordinate indigent health care services across the three organizations. Is that true? Mr. Doliber said, across the County. Commissioner Odell said, across the County. Mr. Doliber said, yes sir. Commissioner Odell said, okay, and thereafter

they will be available to provide technical assistance. Mr. Doliber said, yes sir, and potentially access to funding and grants that may be available depending upon our needs and the grant funding that's available. Commissioner Odell said, I think that right now it's a win/win situation and with the budget —, with their being a potential financial down-turn, I know Georgia is and the federal government budget too, that we're going to have a reduction in funding, especially for those with low income, as we've had over the last five years, so do we need to do this by way of resolution or can the Chairman by authorization of the Commission send a formal letter of request. Mr. Doliber said, a formal letter of —, go ahead, Commissioner.

Commissioner Murray said, I would rather us take a vote saying that we want it done as soon as possible to invite them to come. I'm not sure when the Chairman will be back in town to wait on his signature to do this. Mr. Doliber said, per the Act —. Commissioner Murray said, right now the main reason for trying to do it as soon as possible is before they fill up their list and we're left out.

Commissioner Odell said, all right, well then I'll make a motion that we invite representatives from NACo to come to Chatham County to meet with the various folks here, the providers, regarding indigent care. Commissioner Murray said, second. Commissioner Rayno said, I'll second with further discussion.

Vice Chairman Thomas asked, any further discussion? Commissioner Odell said, I'll yield to Jeff [Rayno].

Commissioner Rivers asked, who was that contact person you said that was coming in? Mr. Doliber asked, from NACo, sir? Commissioner Rivers said, uh huh. Mr. Doliber said, her name is Leslie Bochan, B-O-C-H-A-N. I do not know her personally. Commissioner Rivers said, okay.

Commissioner Rayno said, good morning, gentlemen. Since you're three separate entities, how are you going to overcome the requirements by HIPAA to share information? Mr. Doliber said, we would not be sharing patient confidential information. We would be talking about access and what we all experience as far as where people receive care and the obstacles to receiving that care. We would not be discussing individual patients. Commissioner Rayno said, okay.

Commissioner Odell said, and, Jeff [Rayno], just by way of information, HIPAA, my reading of the law, the Attorney General for the United States would have to prosecute a claim for a HIPAA violation. There are no civil penalties, and I don't think Ashcroft is going to —, but [inaudible].

Vice Chairman Thomas asked, no further discussion? All in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried. Thank you very much. Mr. Doliber said, thank you. Mr. Miller said, thank you. Commissioner Murray said, thank you. Vice Chairman Thomas said, good job.

ACTION OF THE BOARD:

Commissioner Odell moved that we invite representatives from NACo to come to Chatham County to meet with Curtis V. Cooper Primary Health Care Center, Memorial Health Center and J. C. Lewis Health Center, the providers of indigent health care services in Chatham County regarding uninsured and low income access to health care. Commissioners Rayno and Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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CHATHAM AREA TRANSIT AUTHORITY

Vice Chairman Thomas said, we're going to move the CAT agenda to the last. Our regular agenda is very short and we've going to move to that [sic], and then we'll come back to the CAT agenda.

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VIII. TABLED/POSTPONED ITEMS

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

- * 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.

Commissioner Rayno said, I make a motion to take this item off the table, Madam Chair. Commissioner Murray said, second. Vice Chairman Thomas asked, any discussion? All in favor. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present when this vote was taken.] Vice Chairman Thomas said, the motion is carried. Okay. Lazaretto boat ramp improvements. Request Board approval authorizing 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. This was tabled at the November 7th, 2003, meeting until after the Recreation Authority meets.

Commissioner Rayno said, Madam Chair, we had a regular meeting of the Recreation Authority, of which I'm Vice Chair, and it was agreed upon at that meeting by unanimous vote to transfer \$25,000 from the Recreation Authority funds to Chatham County for the purposes of increasing the size of the Lazaretto Creek Boat Ramp with the understanding within that motion that that would be the final amount of money that would be transferred for that particular project and, according to the background information on this project, that is all of the funds that they would require for it. Also, there was further discussion at that meeting that we will not transfer any more money to Chatham County because we have needs in the future for audits and other items and also the potential for this organization to be a mechanism for potential talks of merging recreational services in Chatham County with the City of Savannah or other surrounding communities should they choose to participate in that action. So at this time my recommendation to the Board would be to approve the \$25,000 transfer from the Recreation Authority with the understanding that would be the final amount. Commissioner Odell asked, that's a motion? Commissioner Rayno said, that's a motion. Commissioner Kicklighter said, second.

Vice Chairman Thomas asked, discussion? Commissioner Kicklighter said, yeah. Vice Chairman Thomas said, Commissioner Murray and then Commissioner Kicklighter.

Commissioner Murray said, Russ [Abolt], we have —, we discussed this and I was looking through my notes here and I did not go back in my notes I have at home, but what are the total costs? \$182,000, that's the —? County Manager Abolt said, \$182,000 was the amount of money under the discretion and control of the Recreation Authority, sir. If you're looking specifically, sir, at the project that appears to be the motion now on Lazaretto Creek, we have included in your packets the staff report that was prepared last month. You'll notice that it summarizes the meeting the Chairman had with County staff, representatives of DNR and Fort Pulaski National Monument, and the end result of that was that even though the actual costs were not determined yet by DNR, that our maximum local contribution would be \$25,000 and they look at this as initially —, as actually the instigation of their putting together a project and they would do that as soon as they get the green light and if you choose, as I think you're about to do, to pass the staff report, you do so with the understanding of maximum commitment is about —, no more than \$25,000. If I recall in talking to DNR staff, they estimated, which was very preliminary, that the project would be around \$100,000, but again you're held harmless beyond \$25,000. Commissioner Murray said, my other question, if I'm not mistaken all this came about in a meeting that was initiated by Tybee. Is that correct? County Manager Abolt said, my recollection is the Chairman asked us to set the meeting and he did so at the instance of Tybee. If I do recall, there was a representative of the City of Tybee, a council member there. Commissioner Murray said, I think they're the ones that raised the issue to begin with. Is the Town of Tybee putting any money into this? County Manager Abolt said, no, sir. Commissioner Murray said, and it benefits primarily the citizens of Tybee although we do have a little bit of unincorporated area there it would benefit. I'm not opposed to it, but I think that if they're the ones that initiated it, they should certainly be a partner in this.

Vice Chairman Thomas recognized Commissioner Kicklighter. Commissioner Kicklighter said, thank you, Dr. Thomas.

Commissioner Odell asked, could Frank [Murray] just [inaudible] what they need to do. Commissioner Murray said, I'm not saying they have to do anything. I'm going to support it whether they do or not. My point is they're the ones that originally raised the issue about making the improvements to that boat ramp. If I'm not mistaken, that is a State owned and operated boat ramp. It's not —, I mean, we empty the trash and stuff —. County Manager Abolt said, I found out, sir, we actually lease that from the federal government. Commissioner Murray said, we lease it from the federal government. County Manager Abolt said, from the federal government, yes sir. It's an arrangement between ourselves and the federal government. Commissioner Murray asked, well, where's the other \$75,000 going to come from then? County Manager Abolt said, through DNR access to special grants. Commissioner Murray said, I was just saying since Tybee was the one that raised the issue and it benefits them greatly that they should be a player in this also, but if they choose not to, I think we need to move forward with it.

Vice Chairman Thomas recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Dr. Thomas. I just want to kind of clarify something that the Recreation Authority did. Commissioner Rayno said that, you know, we recommended approving the \$25,000 to widen the boat

ramp but no money in the future. I just want to clarify that that's —, that part's about the maintenance. No maintenance money in the future, but Chatham County is welcome to come forward if they have legitimate requests in the future and we'll definitely look it as well as any other government agency around. This is just basically we —, the Authority approved the \$25,000 for widening but no money for future maintenance.

Vice Chairman Thomas asked, any further discussion? All in favor of the motion. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present when this vote was taken.] Vice Chairman Thomas said, the motion is carried. Thank you.

ACTION OF THE BOARD:

- 1. Commissioner Rayno moved to untable this item and place it before the Commissioners for consideration. Commissioner Murray seconded the motion and it carried unanimously. [Chairman Hair and Commissioner Rivers were not present when this vote was taken.]
- 2. Commissioner Rayno moved to approve the transfer of \$25,000 from the Recreation Authority to Chatham County for the widening of the Lazaretto Creek Boat Ramp with the understanding that \$25,000 is the maximum amount which will be transferred from the Recreation Authority for this purpose. Commissioner Kicklighter seconded the motion and it carried unanimously. [Chairman Hair and Commissioner Rivers were not present when this vote was taken.]

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IX. ITEMS FOR INDIVIDUAL ACTION

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

1. TO REQUEST APPROVAL OF BUDGET AMENDMENTS TO REFLECT A TRANSFER OF \$351,380 FROM THE LAND BANK FUND TO THE GENERAL FUND M&O.

Commissioner Rayno said, motion to approve. Commissioner Odell said, second. Vice Chairman Thomas asked, any discussion? All in —, somebody. Okay. The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present when this vote was taken.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the budget amendments to reflect a transfer of \$351,380 from the Land Bank Fund to the General Fund M&O. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Rivers were not present when this vote was taken.]

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2. INFORMATION REPORT ON THE PROGRESS OF THE JUNE 30, 2003, FINANCIAL STATEMENT AUDIT.

Ms. Linda Cramer said, good morning. I just wanted to update you on where we are with the audit. We are on track. I wrote this information item about a week and a half ago and we're still on track. We're making very good progress. We plan to have the CAFR to the printer by the 15th, and I'm afraid the books won't be ready for you by the next meeting, but we'll give you those books at the first meeting in January, and —, but we will give you some preliminary numbers at the next meeting on the —, all the funds.

County Manager Abolt said, Dr. Thomas and gentleman, Ms. Cramer and I were dissecting why we have these challenges. This is not a function of inadequate staff, but when you look at it, in the last few budget cycles you have gone into an extension of a fiscal year beyond the first of July and with each week that we lose on the front end, that shows on the back end from the standpoint of concluding the audit and then also because of the holiday schedule for the month of December, you are meeting on the first and third Fridays as opposed to second and fourth. So as long as you understand that's one of the contributing factors. It's not a function of inadequate staff.

Vice Chairman Thomas said, okay. Ms. Cramer said, yes ma'am. Vice Chairman Thomas said, thank you very much.

ACTION OF THE BOARD:

Received as information.

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3. TO REQUEST BOARD APPROVAL OF DECLARATION OF COVENANTS AND RESTRICTIONS TO COMPLY WITH THE GREENSPACE GRANT AWARDS AGREEMENT.

Commissioner Odell said, move for approval. Commissioner Murray said, second. Vice Chairman Thomas asked, any discussion? All in favor. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion carries.

ACTION OF THE BOARD:

Commissioner Odell moved to approve the declaration of covenants and restrictions to comply with the Greenspace Grant Awards Agreement. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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X. ACTION CALENDAR

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

Vice Chairman Thomas said, we come to the Action Calendar. Commissioner Murray said, I'd like to pull 7-C. Vice Chairman Thomas asked, 7-C? Commissioner Murray said, yes. Vice Chairman Thomas said, okay. Any other? Commissioner Rayno said, I'd like to approve the balance of the Action Calendar. Commissioner Odell said, second. Vice Chairman Thomas asked, Sybil [Tillman], did you clear the Board the first time. Ms. Tillman said, excuse me, I thought Commissioner McMasters also wanted to pull 7-L. Commissioner McMasters said, my questions were answered in the pre-meeting, thank you. Ms. Tillman said, okay, thank you. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

Commissioner Rayno moved that the Action Calendar be approved in its entirety with the exception of Item 7-C. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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

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1. APPROVAL OF THE MINUTES FOR THE PRE-MEETING AND REGULAR MEETING OF NOVEMBER 21, 2003, AS MAILED.

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the minutes for the pre-meeting and regular meeting of November 21, 2003, as mailed. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD NOVEMBER 13 THROUGH NOVEMBER 24, 2003.

ACTION OF THE BOARD:

Commissioner Rayno moved that the Finance Director is authorized to pay claims for the period November 13 through November 24, 2003, in the amount of \$4,609,780. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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- 3. **REQUEST BOARD DECLARE SURPLUS 0.413 ACRES OF REMNANT PARCEL 60 ADJACENT TO MIDDLEGROUND ROAD/MONTGOMERY CROSSROAD WIDENING PROJECT. [DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to declare surplus 0.413 acres of remnant Parcel 60 adjacent to Middleground Road/Montgomery Crossroad Widening Project and convey the remnant Parcel 60 to Dykes Construction Company, owner of Parcels 59 and 59A, to partially offset the take from Parcel 59 for the Middleground Road/Montgomery Crossroad Widening Project in lieu of additional payment. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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- 4. **REQUEST BOARD AUTHORIZE THE CHAIRMAN AND CLERK OF COMMISSION TO SIGN AN APPLICATION REQUIRED BY THE GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) THAT STATES CHATHAM COUNTY WILL ACCEPT MAINTENANCE AND ENERGY FOR A TRAFFIC SIGNAL ON US 17 AT BERWICK BOULEVARD. [DISTRICT 7.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to authorize the Chairman and Clerk of Commission to sign an application required by the Georgia Department of Transportation (GDOT) that states Chatham County will accept maintenance and energy for a proposed traffic signal on U.S. 17 at Berwick Boulevard. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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- 5. **REQUEST FOR TRANSFER OF CURRENT BEER AND WINE RETAIL LICENSE FOR 2003. PETITIONER: JOHNNY E. WILCOX, II, D/B/A PUBLIX SUPER MARKETS, INC. # 456, LOCATED AT 155 JOHNNY MERCER BOULEVARD. [DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Johnny E. Wilcox, II, d/b/a Publix Super Markets, Inc. # 456, located at 155 Johnny Mercer Boulevard, for transfer of the current beer and wine retail license for 2003. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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- 6. **REQUEST FOR BUSINESS NAME CHANGE FOR BEER AND WINE POURING LICENSE FOR 2003. PETITIONER: DON LEE, D/B/A HEIWA'S III, INC., LOCATED AT 4700-H HIGHWAY 80 EAST. (FORMERLY HIRANO'S III.) [DISTRICT 4.]**

ACTION OF THE BOARD:

Commissioner Rayno moved to approve the petition of Don Lee, d/b/a Heiwa's III, Inc., located at 4700-H Highway 80 East (formerly Hirano's III), for a business name change for beer and wine pouring license for 2003. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Laser check printing system	Finance	Payformance Corporation/Moore Wallace	\$20,275	General Fund/M&O - Finance
B. 67 desktop computers and 67 monitors	Live Oak Public Libraries	Dell Marketing (state contract)	\$79,127	SPLOST (1998-2003) - Library Technology Equipment
C. Extend the County's banking service until 30 June 2004	Finance	Wachovia Bank	No cost to the County	No Funding Required
D. Annual contract with automatic renewal options for four additional one year terms to provide various inmate supply items	Detention Center	<ul style="list-style-type: none"> •Bob Barker Company •I.C.S. Company •Walter Stephens Company •ATD American Company •Justice Packaging Company •Paul Dubin 	Varies by item	General Fund/M&O - Detention Center
E. Reject all bids received to provide janitorial services to various library facilities	Live Oak Public Library	N/A	N/A	N/A
F. Reject all bids received to provide janitorial services to the Juvenile Justice Center and the Administrative Annex/Police Headquarters	<ul style="list-style-type: none"> •Juvenile Court •Police 	N/A	N/A	N/A
G. Contract for design of the Kings Way Canal Drainage Improvement Project	SPLOST	Thomas and Hutton Engineering	\$125,200	SPLOST (1998-2003) - Drainage - Kings Way Canal project
H. Barrier filter replacement kit for the helicopter	Mosquito Control	Aerospace Filtration Systems (sole source)	\$17,359	General Fund/M&O - Mosquito Control
I. Professional services contract for engineering services for Central Avenue lift station rehabilitation	Water and Sewer	Jordan, Jones and Goulding	\$74,300	Water and Sewer Enterprise Fund
J. Professional services contract for engineering services for Pine Barren wastewater evaluation	Water and Sewer	Stevenson and Palmer	\$20,100	Water and Sewer Enterprise Fund
K. Change Order No. 8 to the engineering contract for Middleground Road/Montgomery Crossroad Widening project to design water and sewer line relocations	SPLOST	Hussey, Gay, Bell and DeYoung	\$157,975	SPLOST (1993-1998) - Middleground Road Widening Project
L. Pilot contract for truancy intervention project services	Juvenile Court	Court Appointed Special Advocates (CASA)	Not to exceed \$30,000	Supervision Fees - Juvenile Court

As to Items 7-A through 7-L, except Item 7-C:

Commissioner Rayno moved to approve Items 7-A through 7-L, except Item 7-C. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

As to Item 7-C:

Extend the County's banking service until 30 June 2004; Finance; Wachovia Bank; No cost to the County; No funding required.

Commissioner Murray asked, Russ [Abolt], could you give again the reasons why we want to extend this rather than sending it back out for bid because we had an agreement at one point that we would send this out every so many years? County Manager Abolt said, yes sir. It's, quite frankly, a matter of not just priorities, but being able to focus the

attention of our new Finance staff on this very important issue, we're indicating in Facts & Findings number two it is that reason and that reason only. We would like to have the benefit of six months month to allow Ms. Cramer and her Assistant Director and others to become fully involved in the preparation of the solicitation. If that is not agreeable with you, we'll certainly redirect our priorities and go out and contract, but we understand the severity of getting this in a timely fashion. The initial contract really goes back to October of 2001. We've been operating on extensions since then because of the problems we faced in Finance. This is not a function of a continuation of those problems, but rather a function of being able to direct some very smart people into looking at this so that we can assure you that by the end of the fiscal year we'll come back to you with the best recommendation. Commissioner Murray asked, and does this give you the time you need? Ms. Cramer said, yes sir. Commissioner Murray said, I don't have a problem with it. I just want to make sure that we do put it out for bid at some point so that all the local institutions will have an opportunity to bid for the County's business.

Commissioner Murray said, move for approval. Commissioner Rivers said, second.

Commissioner Odell said, I agree with Frank's comments on it. I'd like to see that done as soon as we're able to do it. County Manager Abolt said, thank you.

The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried. Thank you.

ACTION OF THE BOARD:

1. Commissioner Rayno moved to approve Items 7-A through 7-L, except Item 7- C. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]
2. Commissioner Murray moved to approve Item 7-C. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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XI. FIRST READINGS

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting. 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. **AMEND THE COUNTY CODE, SECTION 20-306 "RE-INSPECTION" 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.**

Commissioner Murray said, I've got a question. I guess this would either be for Jon [Hart] or Russ [Abolt]. I'm not sure which one wants to answer it. If I read this new proposal correctly, right now if it goes for an inspection we charge \$15. Is that correct? County Manager Abolt said, yes sir, second time. Commissioner Murray asked, for a trip? County Manager Abolt said, yes sir, second trip. The first one is free. Commissioner Murray asked, \$15 is what they'll pay regardless of where they go in Chatham County? I thought we were supposed to be covering our costs with this department on the fees that we charge because that's what funds the department. County Attorney Hart said, correct. Commissioner Murray said, and I can assure you it costs more than \$15 for somebody to go out and inspect a site and leave and come back. County Attorney Hart said, I met with the Finance Director this week looking at Building & Regulatory Services [sic] and their budgetary amounts, and we're in the process of looking at cost allocations in regard to what we need to do to recapture or —, it's kind of a delicate balance there. We don't want to charge more, but we don't want to charge less. We feel like we'll be comfortable with the \$15 charge for the interim —, for inspection now and we've been able to manage it thus far, but we may be coming back to you with, you know, new fees. Commissioner Murray asked, am I correct in saying that that department is funded by the fees anyway? County Manager Abolt said, yes sir. This actual action when you adopt it will amend the fees to \$30. Commissioner Murray said, \$30. I understand that, but the first one is free. County Manager Abolt said, not in —. County Attorney Hart said, not in this. County Manager Abolt said, — you're changing that, sir. You're changing that. The first instance of, you know, not malfeasance, but the inappropriate display or lack thereof of the building permit, they pay \$30. Commissioner Murray said, okay.

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Dr. Thomas. In our last meeting we spent a little time discussing how this policy change might be handled in such a fashion that the Board of Assessors, Tax Assessors office staff went in the field and doing neighborhood evaluations should come across a non-conforming situation, and I haven't seen any policy

discussion between Building Safety & Regulatory Services on how those Tax Assessor office staff might handle that situation. Is that forthcoming? County Manager Abolt said, I don't know the term policy —, I heard Mr. Anderson testify last time that that would be done. County Attorney Hart said, all they've got to do is complain. If they complain, he'll go out and look. If the Board of Assessors member goes out there, finds the information is not out there that's supposed to be posted, they like any other citizen can pick up the phone and make a complaint to Building & Regulatory Services [sic] and they'll send somebody out there and take the appropriate action. That's automatic. County Manager Abolt said, the issue, you'll recall, was that the inspector had to do it because of the power and authority accrues to that position versus an appraiser. Commissioner McMasters said, so appraisal staff at the Tax Assessors office, excuse me, does not have the authority —. County Attorney Hart said, absolutely does not have the right. Commissioner McMasters said, — to do inspection work. County Attorney Hart said, well, the appraisal authority —, appraisers can go out there and value land because that's what they're permitted to do under the law of this State, but they cannot go out there and fine people or try to exercise police power. But if they go out there and they find that there is a violation of a Chatham County ordinance, they can report to this gentleman, who is granted police power to go out there through his department and through his inspectors, and enforce the inspection laws. So it would be —, they would be like just about any other citizen. You know, if you had a complaint from your neighbor about something you thought did not meet code, you'd call one of Mr. Anderson's officers and they'd send somebody out there and check on it, and it would be the same way with the Board of Assessors. If they make a complaint, it would be inspected on and, you know, go out there and look at it and be reported on. Commissioner McMasters said, the fact that the Board of Assessors staff, Tax Assessor staff do not routinely attend our meetings, they come on an as-needed subject basis, wouldn't it be provident to express to them either in memo form or personal contact, that's really what I'm asking for —. County Attorney Hart said, sure. Commissioner McMasters said, and they be kept apprised of this willingness now of Building Safety & Regulatory Services to assist them in trying to perform their duties. Mr. Anderson said, if I may, Commissioner McMasters, as I said at the past Commission meeting, I've had discussions, extensive discussions with the Chief Appraiser, Ms. Snider, about this very policy, even when we adopted it back in June, and we're both in agreement of what the process will be and it is as the County Attorney has explained it. She understands that, her staff understands that if they have a problem in the field, they're to get in contact with us and we'll deal with it from there. Commissioner McMasters said, so just walk me through quickly. If this process works and you receive that sort of communication from the Tax Assessors staff, what will be your plan of action? Mr. Anderson said, we have an inspector that will go to that site and make a determination. If the permit is not posted within the proper procedure, a \$30 fine will be assessed at that time and then no other inspections will be honored, no other inspection requests will be honored until that \$30 re-inspection fee is paid. Commissioner McMasters asked, generally speaking, how fast do you think your staff will respond to that? Mr. Anderson said, oh, usually the same day. Commissioner McMasters asked, same day? Mr. Anderson said, oh, yeah. We have office to field communication and our guys are out there on the field on the ground every single day. So as soon as we get that call from the Tax Assessors office, we can phone someone in the field and they will be right there. Commissioner McMasters asked, do we ever receive a routine report, quarterly or otherwise, on subjects like this? Mr. Anderson said, we don't —, we don't really track the re-inspection fees and we do assess re-inspection fees right now under the current provisions, and we don't really track it. They come and go to be perfectly honest with you. As the Manager has indicated, the first inspection we go out is covered under the initial permit fee. The second inspection we go out for that same violation is assessed the current \$15. Commissioner McMasters asked, how about just informally as we march forward periodically we'll talk and kind of get a field for how this —, this new policy is working? Mr. Anderson said, sure, we can do that. Certainly the increase in the fee, I think, will get people's attention. Commissioner McMasters said, I appreciate it. Thank you. Mr. Anderson said, thank you, sir.

Commissioner Odell asked, may I ask him a question? Commissioner McMasters said, sure. Commissioner Odell said, if you'll allow me just one question. Mr. Anderson, when someone pays the \$30 fee, that goes into the General Fund? Mr. Anderson said, no sir, it goes into the Restricted Revenue Fund that the department uses to operate. Commissioner Odell asked, okay, and the purpose of that payment is identified on whatever receipt document that we give? Mr. Anderson said, yes, it is. Commissioner Odell asked, and that information is inputted into the computer? Mr. Anderson said, yes, and it's tracked by the Finance Department. Commissioner Odell said, okay. So the information, John [McMasters], that if you —, if we needed back information regarding tracking, in that it's already being inputted, I think if you put it in, you ought to be able to get it out. Do you follow me?

Commissioner McMasters said, yes, I do, but is this predicated on the new software? Mr. Anderson said, no, it's not. We currently —. Commissioner McMasters said, it's new software. Mr. Anderson said, — all payments that are made through our office are tracked through a receipt process. They go through the Finance Department and is identified as a re-inspection fee, so —. Commissioner McMasters said, so —, I'm sorry. Mr. Anderson said, the Finance Department does track that —, does have the information in hand, but we just don't track it, we don't monitor it. Commissioner Odell asked, but it is available if tracking was desired in that it's coded when the payment is made? Mr. Anderson said, right. Commissioner McMasters asked, with the new software that has been reviewed and is in the purchase of being finalized in terms of acquisition, Harris [Odell], will go a step farther in terms of transmitting electronically to the Tax Assessors staff what is now currently sent manually, which are permits. Is that correct? Mr. Anderson said, that's correct. That's correct, sir. Commissioner McMasters said, so that should even get us more out in front of the issue. Commissioner Odell said, I agree.

Vice Chairman Thomas recognized Commissioner Rivers.

Commissioner Rivers said, Ms. Cramer, on revenue in that restricted fund, don't we have a line item there that states where those receipts come from? Ms. Cramer said, in our accounting system it's just going into your revenue account, and we know it's coming from them. Commissioner Rivers asked, but you don't have a breakdown of —, a ledger account of where those receipts came from? In other words, from fees or re-inspection fees —? Ms. Cramer said, well,

it's going into that fee account, yes, in our general ledger. Commissioner Rivers asked, and that would be noted on there where the re-inspection dollars differentiate —, okay. So all you've got to do is go back to accounting and have them pull it and they can give you a spreadsheet on it and that's it.

Mr. Anderson said, I just want to clarify, Commissioner McMasters. Do you want us to begin to track this information now or when we get the new software? Commissioner McMasters said, no, I think we can operate on an informal basis —. Mr. Anderson said, okay. Commissioner McMasters said, — until that software is acquired and in place. Mr. Anderson said, okay. Commissioner McMasters said, thank you.

Vice Chairman Thomas said, thank you very much.

ACTION OF THE BOARD:

Vice Chairman Thomas read this item into the record as the first reading.

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- 2. PETITIONER, JOHN RAUERS, AGENT (FOR JIM KLUTZ AND TED COY, OWNERS) IS REQUESTING THAT THE CHATHAM COUNTY ZONING ORDINANCE, SECTION 4-5.2, B AND I USE SCHEDULE, BE AMENDED TO ALLOW DEPARTMENT STORES (USE 65) AS A MATTER -OF-RIGHT USE WITHIN THE T-B (TOURIST-BUSINESS) ZONING DISTRICT. THE MPC RECOMMENDED APPROVAL.
MPC FILE NO. Z-030918-58030-1
[NO DISTRICT - TEXT AMENDMENT - UNINCORPORATED AREA.]**

Commissioner Murray said, I have a question for MPC on this. Vice Chairman Thomas recognized Commissioner Murray. Commissioner Murray said, when the T-B zoning was created, department stores were left out of that for a reason. Why is it now okay to add them back in or put them in when, in fact, this is being done really for one particular site that is coming up now? If this adopted, that means that any T-B site anywhere in Chatham County in the unincorporated area will be allowed to have department stores, and all these sites that are zoned T-B may in fact not be good for department stores. Ms. Charlotte Moore said, well, the MPC had recommended conditions on this use: (1) that it be allowed as a matter of right, but the location would have to be on an arterial roadway and that the department store could be no greater than 15,000 square feet. There are other uses that are similar within a T-B district. For example, home furnishing stores and hardware stores are allowed and the thought was that department store is very similar to these types of uses, but the MPC made the recommendation with conditions. Commissioner Murray said, now if this is adopted, these still have to comply with the Land Use Plan as far as height restrictions and those things, is that correct? Ms. Moore said, correct. Commissioner Murray said, thank you.

Vice Chairman Thomas recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Madam Chairman. Ms. Moore, we discussed in the pre-meeting something that was brought up in our last meeting, which was when we get your —, when we get our agenda packets and we have the MPC memo with the dec page showing the issue and the approvals, the denials and the abstainings, and in this situation it was unanimous, but if you will recall at our last meeting the request was made could we get a breakdown when it is not unanimous as to which members of the MPC voted which way. Ms. Moore said, we could do that. Commissioner McMasters said, okay, I appreciate that.

Vice Chairman Thomas asked, any further discussion on that?

Commissioner Odell said, we don't open it up —, I see John Rauers is here. We don't open it up to discussions, do we? Vice Chairman Thomas said, no, no, no, no. Commissioner Murray said, he can discuss it at the next meeting. Vice Chairman Thomas said, at the next meeting. Commissioner Odell said, okay, John [Rauers]. Vice Chairman Thomas said, thank you.

ACTION OF THE BOARD:

Vice Chairman Thomas read this item into the record as the first reading.

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XII. SECOND READINGS

- 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. I raised some at the last meeting, but one of the agreements that Mr. McCorkle agreed to, along with whoever his client is, is that the large oak trees on that property would stay, they would not be taken out. I have ridden by there in the last —, well, as a matter of fact, last night, and there's a for sale sign now on that property. Is that the client that Mr. McCorkle is representing or is that person now going to sell that property and we don't have any say-so in what takes place on that property after we rezone it? Can anybody answer that question? Mr. Phillip McCorkle said, frankly, I have no knowledge of the property's for sale, so I can't answer the question. As to the say-so, this is a rezoning without —, I'm trying to think this out —, without a site plan attached to it. Commissioner Murray said, I understand that. Mr. McCorkle said, so I guess what we'd have to do is make that part of the approval that —, we have submitted a site plan for review at the MPC and they've looked at it and it shows the three nice size oak trees being left. That was one of the reasons they were so happy with the rezoning, and we could make that clear in the record that the site plan that's being approved —, the zoning that's being approved includes the preservation of those trees pursuant to that site plan. We'd be glad to do that. However, you want to do to protect it. Commissioner Murray said, let me ask you another question and I don't know whether this can be done or not. Mr. McCorkle said, okay. Commissioner Murray said, we're getting ready to approve a rezoning at your request for your client to do a specific project on that property. Mr. McCorkle said, right. Commissioner Murray asked, can we approve the zoning contingent that that owner do that project on that property and if that property's sold, then it reverts back to its original zoning? Can we do that or not? Mr. McCorkle said, I don't think so.

County Attorney Hart said, I don't think you could do that because what you've got is kind of conditional rezoning, but what you could do is rezone it subject to further actions having to have an approved site plan by this Commission. Commissioner Murray said, all right, that will be my motion, but at the same time I appreciate you getting with me and going over these issues because each thing that you have told me, you said you were going to do, and I believe you will do that. Mr. McCorkle said, right. Commissioner Murray said, but it kind of concerned me when I went by and saw a for sale sign on the property, and I do know that we have people in all areas that like to pull up signs and put them on other property sometimes, and that could be the case here. I don't know, but there was a sign on the property. Mr. McCorkle said, well, we can make that —. Commissioner Murray said, okay. Well, I will make a motion to approve it based on that. Commissioner Rivers said, second.

Vice Chairman Thomas asked, any further discussion? All in favor of the motion. Vice Chairman Thomas and Commissioners Rivers, McMasters, Murray, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioner Rayno voted in opposition. The motion carried by a vote of seven to one. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried, one abstention [sic].

* * *

County Attorney Hart asked, Madam Chairman, I don't mean to interrupt, but could we revisit the issue on the first rezoning of Mr. McCorkle's client just for the purpose of given the fact that this property has these oak trees that wish to be saved, I would like the Board to find in the record that it is an extraordinary condition of the property and unusual circumstances and that, therefore, you're going to require a site plan. Commissioner Murray asked, wasn't that part of my motion? County Attorney Hart said, well, I don't think it was necessarily stated the extraordinary conditions.

Commissioner Murray said, then I will move that we rescind that action we just took. County Attorney Hart said, all we need to do is add an additional —. Commissioner Odell said, just clarify it. County Attorney Hart said, just clarify it and —. Commissioner Murray asked, we can add that to it after we've already voted on the other one? County Attorney Hart said, yes. You just make a finding that there's extraordinary conditions and unusual circumstances, and all I'm asking you to do is make that finding and —. Commissioner Murray said, so moved. County Attorney Hart said, — move it in the record. Commissioner Kicklighter said, second. Vice Chairman Thomas said, all in favor. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

1. Commissioner Murray moved to approve the petition of Phillip McCorkle, attorney (for Terry M. Coleman, Agent), requesting the rezoning of 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, subject to any further actions having to have a site plan approved by the Board of Commissioners. Commissioner Rivers seconded the motion. Vice Chairman Thomas and Commissioners Rivers, McMasters, Murray, Odell, Gellatly and Kicklighter voted in favor of the motion.

Commissioner Rayno voted in opposition. The motion carried by a vote of seven to one. [NOTE: Chairman Hair was not present.]

2. Commissioner Murray moved that there exists extraordinary conditions and unusual circumstances regarding the property being rezoned, which necessitates the Board to require site plan approval on any further actions. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

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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).

Commissioner Murray said, I would move for approval with some discussion. Commissioner Rivers said, second. Commissioner Odell said, I'll second. Vice Chairman Thomas said, discussion.

Commissioner Murray said, this is better than what we had and I know we can't get totally restrictive on it, but —, so that's why I'm going to support it, but I'm just still not where I would like to see it, but it is much better than what we had and at least the citizens now have some say-so. So I will support it.

County Attorney Hart said, Madam Chairman, with the permission of the Board, could we revisit the rezoning motion that was previously —? Never mind, go back to —. Vice Chairman Thomas said, go back to this. Commissioner Murray said, we've already got a motion on the floor. County Attorney Hart said, that's right. Vice Chairman Thomas said, no further discussion —.

Commissioner Kicklighter said, let me ask on this one. What's the meat of the changes here? Basically what would accomplish —? Commissioner Murray said, I think Jon [Hart] probably, since he wrote it, would explain that. Commissioner Kicklighter asked, Jon [Hart], what would say in the open burning regulations that changes? County Attorney Hart said, we added a provision after the first time it came through. In meeting with representatives of the Southside Fire Department and trying to come up with something that made good sense, they pointed out that due to just the environmental humidity of early morning in Chatham County that you have an awful lot of smoke retention if you've got a high humidity day early in the morning, and their recommendation —, and then they said the majority of the complaints they got was from people starting to burn at seven or eight o'clock in the morning when the smoke couldn't dissipate. So their recommendation was to try to limit burning until after ten o'clock because they said by then the sun's good and up, the dew factor's down and the humidity's dropped and they don't have near the problems and the wind picks up to dissipate. So we just added that as an additional provision. Commissioner Kicklighter said, call for the question.

Vice Chairman Thomas said, call for the question. All in favor. The motion carried unanimously. [NOTE: Chairman Hair was not present.] Vice Chairman Thomas said, the motion is carried.

ACTION OF THE BOARD:

Commissioner Murray moved to approve the amendments to Sections 21-306 "Open Burning Regulated" and 21-404 "Self-Management of Yard Waste Materials in Unincorporated Chatham County" (Leaf Burning). Commissioners Rivers and Odell seconded the motion and it carried unanimously. [NOTE: Chairman Hair was not present.]

Amendment to 21-306:

§21-306 Open Burning Regulated

1. The County encourages composting or mulching of residentially generated yard waste materials that can be used by residents/occupants as a soil amendment or dressing material for planting beds. Composting and mulching of residentially generated yard waste reduces water consumption, the need for natural or synthetic fertilizers, and for disposal of a completely biodegradable waste product.
2. No person, firm or corporation shall cause, suffer or allow to permit open burning within one mile of the City limits of any municipal corporation nor any residential subdivision, even if the resident lives within one mile or in a residential subdivision as long as the materials are from their own residence except for (1) reduction of leaves; (2) the reduction on the premises and by an occupant thereof of domestic rubbish originating solely within any building or structure used primarily for dwelling purposes and containing three or less dwelling units; (3) cooking purposes; (4) comfort heating with approved type equipment; (5) controlled burning of woods or timberlands pursuant to generally accepted forestry and/or game management

purposes. It shall not be required that restrictions be imposed for: (1) the operation of devices using open flame such as tar kettles, blow torches, welding torches, portable heaters and other flame-making implements, or (2) the setting and maintenance, by contractors and tradesmen, of miscellaneous small fires necessary in such activities as street paving work or installation or repair of sewer, water, telephone, electric, or gas mains and services and demolishing buildings, trees, and brush for cleared areas, provided that fires are kept small in size and shall not allowed to produce unnecessary smoke.

3. The County discourages the open burning of yard waste as a method of self-management. However, the burning of leaves, small limbs and other vegetative materials may be permitted as outlined in the preceding paragraph of this ordinance, provided that the owner:
 - a. The owner has obtained the required burn permit from the Georgia Forestry Commission and is in compliance with all of the requirements and parameters of that burn permit.
 - b. The owner has obtained the required burn permit from the Chatham County Department of Building and Regulatory Services or Southside Fire Department, and is in compliance with all of the requirements and parameters of that burn permit.
 - c. That all material burned on the property owner's premises was generated on the property where the burn is conducted.
 - d. The owner is not creating a fire hazard with the burning activity as determined by the Department of Building Safety and Regulatory Services and the Southside Fire Department.
 - e. The owner is not creating excessive smoke as a result of the burn that will result in complaints of diminished air quality or aggravation of health and medical conditions of persons living or located on contiguous property.
 - f. The owner shall not commence a burn prior to 10:00 a.m.
4. Burning may occur within the confines of the property lines of the owner/occupant, provided:
 - a. Burning within ditches or other drainage structures within a public right-of-way or easement is prohibited.
 - b. Burning on the right-of-way or on edge of pavement or pavement surfaces is prohibited.
 - c. Burning of vegetative wastes not generated on that property is prohibited.
5. Any official of the Georgia Forestry Commission or other public safety/inspection official may shut down a burn on private property if it is creating a nuisance, fire hazard or constitutes a real and present danger to public health and safety.
6. Burning for land clearing must receive the approval of the Georgia Environmental Protection Division, the Georgia Forestry Commission, and the Chatham County Inspection Department and/or Southside Fire Department.

Amendment to 21-404:

§21-404 Self-Management of Yard Waste Materials in Unincorporated Chatham County

1. The County encourages composting or mulching of residentially generated yard waste materials that can be used by residents/occupants as a soil amendment or dressing material for planting beds. Composting and mulching of residentially generated yard waste reduces water consumption, the need for natural or synthetic fertilizers, and for disposal of a completely biodegradable waste product.
2. The County discourages the open burning of yard waste as a method of self-management. However, the burning of leaves, small limbs and other vegetative

materials may be permitted on the premises of the property owner or occupant, provided conditions are met as required under Section 21-306 of the Chatham County Sanitation Ordinance.

3. Burning may occur within the confines of the property lines of the owner/occupant, provided:
 - a. Burning within ditches or other drainage structures within a public right-of-way or easement is prohibited.
 - b. Burning on the right-of-way or on edge of pavement or pavement surfaces is prohibited.
 - c. Burning of vegetative wastes not generated on that property is prohibited.
4. Burning for land clearing must receive the approval of the Georgia Environmental Protection Division, the Georgia Forestry Commission, and the Chatham County Inspection Department and/or Southside Fire Department.

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XIII. INFORMATION CALENDAR

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

ACTION OF THE BOARD:

A written report was received as information.

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

Commissioner McMasters asked, Madam Chairman, may I? Vice Chairman Thomas said, yes. Vice Chairman Thomas recognized Commissioner McMasters. Commissioner McMasters said, I just wanted the people watching at home as well as the people in the audience to know that there were several items on the Purchasing under \$10,000 —. Vice Chairman Thomas said, right. Commissioner McMasters said, — that were police department purchases, and in our pre-meeting both Chiefs acknowledged that these were purchases that they approved of and were recommended and useful to the new merged Chatham-Savannah Police Department. Thank you.

Vice Chairman Thomas said, thank you for that observation. Thank you very much.

ACTION OF THE BOARD:

A written report was received as information.

AGENDA ITEM: XIII-2
DATE: December 5, 2003

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

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
Geotechnical services for the Montgomery Street project	CIP	W.P.C.	\$2,520	CIP - Government Building

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Fill material for various road repairs	Public Works	Savannah Inert, Inc.	\$3,500	SSD - Public Works
Limestone base for Thomas Avenue	Solid Waste	Martin Marietta Aggregates	\$3,450	Solid Waste Management Fund
Forensic Recovery of Evidence Device	Police	Digital Intelligence	\$6,199	Multiple Grant Fund - Police
Emergency vehicle lighting an equipment for new motorcycle	Police	West Chatham Warning Devices	\$5,669	Multiple Grant Fund - Police
Signs mounted to Administration Building, free standing sign for Administration Building and relocate and install flag pole	Mosquito Control	Doug Bean Signs, Inc.	\$4,180	General Fund/M&O - Mosquito Control
Software upgrades to Windows XP	Mosquito Control	Software Spectrum	\$6,945.60	General Fund/M&O - Mosquito Control
Two (2) 2.4GHZ computers with keyboard, mouse, speakers, video card, dvd-cd writer combo, 17" monitors and three (3) year on-site support	Building Safety and Regulatory Services	Dell Marketing (state contract)	\$2,630.56	SSD - Building Safety and Regulatory Services
Audit services for year ending 30 June 2003	Tax Commissioner	Karp, Ronning and Tindol, PC	\$4,900	General Fund/M&O - Tax Commissioner
Annual maintenance contract on telephone system	District Attorney	Nextra One Business Communications	\$4,479	General Fund/M&O - District Attorney
Field survey 100ft along SW and NE side of intersection and 400ft along the NW curb of Red Fox Drive. Survey of median area, preliminary sketch adding right turn lane off Red Fox Drive and evaluating geometry at center landscaped area	SPLOST	Thomas and Hutton Engineering	\$8,500	SPLOST (1985-1993) - Intersection Improvements and King George and Red Fox Drive
Professional services for the Whitfield Avenue widening project	SPLOST	Thomas and Hutton Engineering	\$4,000	SPLOST (1993-1998) - Whitfield Avenue widening project
Removing concrete rubble, abandoned construction materials and install a construction exit	SPLOST	T Clearing	\$9,400	SPLOST (1998-2003) - Raspberry Canal

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3. STATUS OF DEVELOPMENT AND IMPLEMENTATION OF NOVALIS SOFTWARE FOR THE BOARD OF ASSESSORS AND BUILDING SAFETY AND REGULATORY SERVICES.

ACTION OF THE BOARD:

A written report was received as information.

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4. INFORMATION ON ANNUAL EMPLOYEE RECOGNITION CEREMONY TO BE HELD ON DECEMBER 11, 2003.

Vice Chairman Thomas said, we wanted to be reminded about the employee recognition ceremony to be held on December 11th at 11 —. County Manager Abolt said, 45. Vice Chairman Thomas said, 11:45. And where's it going to be, Russ [Abolt]? County Manager Abolt said, ballroom of the Civic Center. Vice Chairman Thomas said, Civic Center. Thank you.

ACTION OF THE BOARD:

A written report was received as information.

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ADJOURNMENT

There being no further business to be brought before the Board, Vice Chairman Thomas declared the meeting adjourned to go into the meeting of the Chatham Area Transit Authority at 10:23 a.m.

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APPROVED: THIS _____ DAY OF _____, 2003

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

SYBIL E. TILLMAN, COUNTY CLERK