

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, APRIL 30, 2004, 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 9:23 a.m., Friday, April 30, 2004.

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II. INVOCATION

Pastor Juanita Edwards, Newborn Church of Faith and Christ, 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

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: Alex Salter, a Junior at Bible Baptist.

Youth Commissioner Salter said, I'd like to thank y'all for your support of the Youth Commission and thank y'all for the opportunity to be here. Chairman Hair said, thank you. We look forward to your comments or questions.

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V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. PROCLAMATION AND RECOGNITION OF WILLIAM J. "BILL" JOHNSON ON HIS RETIREMENT FROM THE LIVE OAK PUBLIC LIBRARY.

Chairman Hair said, our first is to recognize Bill Johnson on his retirement from the Live Oak Public Library System. I don't have a proclamation for him. County Manager Abolt said, he can't retire then. Chairman Hair said, he can't retire. Okay. I apologize, Mr. Johnson. We're supposed to have a proclamation for you. I'll make sure you get it, okay. Why don't we just come down. I'll ask you to make a few comments and —. Commissioner Rivers said, why don't you take that one when you go. Chairman Hair said, I'd have to fake the whole thing. I know they think politicians are good at that, but I'm not good at that. Commissioner Rivers said, he gets a chair. He gets a rocking chair. Chairman Hair said, yeah, a rocking chair. He's too young to get a rocking chair. Commissioner Odell said, Billy [Hair], he's younger than we are. Chairman Hair said, I know, that's what I'm saying. It worries me now that he's getting a rocking chair.

Mr. Bill Johnson said, not really. I do have a few words if y'all will indulge me. Chairman Hair said, if we can get the sound in here fixed. Fred [Thompson] is back there playing music. Mr. Johnson said, thanks, Fred [Thompson]. Chairman Hair said, that's much better, Fred [Thompson]. Mr. Johnson said, if you will indulge me. A couple of weeks ago we gave y'all a survey and one of the things that the survey addressed was why and how much people value public libraries and there's some information in the survey about why, but I think a story tells it better really. Week before last on the way in to work I heard an interview on the radio with Ernest Gaines, who is a Pulitzer nominee, author of *A Lesson Before Dying*, *A Gathering of Old Men* and *The Autobiography of Miss Janie Pittman*. Mr. Gaines was raised in Louisiana until he was thirteen, on a farm. He was able to attend school only four and a half months a year, but he's telling this story to the interviewer and that farm experience, his early life provided the background for a lot of his work. So when he was talking about moving to California, the interviewer said, "Well, I guess your prospects of a literary career after your first thirteen years in Louisiana were not very good," and Mr. Gaines said, "That's actually true, but see when I got to California there was this public library." If you listen for those stories, you'll hear a lot of them. I heard another one just this morning. Actually I did from Sid Nutting, as a matter of fact. But it's been my privilege to work in public libraries for 32 years and to try to make those stories happen, and my privilege to do it in Chatham County since '81. I'm grateful for my career and especially grateful for the support and help I've received as Library Director these past several years, not the least of which has come from the people in this room, and I do thank you for that. And actually I have something for you from the Library if Christian [Kruse] will bring it up here. For fourteen years the Sirs Proquest Company has been doing this. They're a publisher of reference works and their primary market is libraries, and each year they produce a poster using an image of an outstanding library. This year Bull Street Library was selected for that. We're proud of it and we were just sure that Mr. Abolt would want to hang this prominently wherever you have your most serious budget discussions. Thank you very much.

County Manager Abolt said, that was very generous. Commissioner Rivers said, we want one apiece. County Manager Abolt said, that was very generous of Bill [Johnson]. When I first heard and sent to you a notification from Bill [Johnson] of his plans to retire, I used a few words to say that I will miss him. Not only will I miss him, this organization will miss him. Through some very difficult budget years he was always a rock. Through time in which we were trying to juggle priorities, he was a rock. He remains a rock. He's a man of great personal character, he's committed to his profession, an outstanding individual, who understands what electronic data processing can do in making the circulation and the collection available. He was kind enough to remember in his remarks to me in that letter that he did recall when I first came here my request of that time Irma Harlan, Director, that we do all that we could to create what we now have in the library, and the architect is Bill Johnson. I'll miss him. Mr. Johnson said, thank you, Russ [Abolt].

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2. PROCLAMATION TO DECLARE MAY 3 - 8, 2004, SCOTTISH HERITAGE WEEK.

Chairman Hair said, Mr. Gil Clarke is going to be here to receive. I do have this one.

Chairman Hair read the following proclamation into the record:

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

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

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

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

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

NOW, THEREFORE, I, Dr. Billy B. Hair, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby recognize the heroic deeds of the people of New Inverness who, along with the thousands of Scots, came to this area and helped in settling our great state, and hereby declare the week of May 3rd thru 8th, 2004 as:

"SCOTTISH HERITAGE WEEK"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 30th day of April 2004.

Dr. Billy B. Hair, Chairman
Chatham County Commission

ATTEST:

Sybil E. Tillman, Clerk

Mr. Eugene C. (Gil) Clarke said, thank you, Dr. Hair and Commissioners for taking the time to do this for us. It's well appreciated and we know you're very busy and your time is valuable, but we do appreciate it. The Scots are still here. We have an annual game to celebrate our heritage and pass on our customs to our children and to expose the community to those. I have said and I still believe that probably one of the nicest things of this community is the cultural diversity that we have. The nicest thing I think I can recall that Savannah probably ever did as a social event was the Night In Old Savannah where we all got to enjoy the ethnic diversity and cultures and the people that are. That's what the Scottish Games are about also. You'll have an opportunity this weekend to see what we enjoy, to see our heritage. On Saturday, the 8th, we are going to have a Highland gathering at Gregory Park in Richmond Hill. We invite all of you to come. We've got some things that might entice you to come. We'd love to have you. Thank you. On behalf of the community, Scottish community, myself and Mr. Neill McDonald, we welcome you.

Mr. Neill McDonald said, thank you all. We would like to, if we may, approach you and pass a few mementos, which include tickets. Please come. We want you to come. If by some reason you can't come, please pass them on to someone who will come.

Chairman Hair said, I'm going to call on Commissioner Gellatly to make a couple of remarks.

Commissioner Gellatly said, I just wanted to make a quick remark. I think that it's appropriate for this particular commissioner to say something. I am a first generation American. Both of my parents were born in Dundee, Scotland, so I just want you to know that I appreciate the event and appreciate everything you do. Thank you.

Mr. McDonald said, thank you. Mr. Clarke said, thank you.

Mr. Clarke said, personally, I would have liked to have brought haggis, but I thought might work better. Chairman Hair said, well, we're really sorry you couldn't bring that. Mr. Clarke said, we'll do that next year. Chairman Hair said, okay, do that next year.

Commissioner Murray said, Neill [McDonald], you look real good in that skirt. Mr. McDonald said, Commissioner Murray is supposedly a member of Clan Murray and I haven't yet gotten him in a kilt, but your time's coming. Commissioner Murray said, I'll let my brother know that. Chairman Hair said, you know, Commissioner Murray, it is election year. You know, it might be something you'd like to consider. This would be the year to do it if you're going to do it. I'm a lame duck so I don't have to do it.

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VI. CHAIRMAN'S ITEMS

1. SPOKESPERSON FOR THE G-8 SUMMIT AND COMMENTS FROM CHIEF FLYNN.

Chairman Hair said, part of the overall plan —, major part of the plan is communication during the G-8 Summit. I'm going to call on Col. Oliver to comment and talk a little bit about the protocols and the way the plan is going to work.

Col. Bob Oliver said, thank you, Dr. Hair and Commission. Just a couple of words about liability during G-8 operations. Once we reach full levelization of G-8 operations, once that's obtained it's very important for everybody to speak with one voice for the Chatham County government, and I know we are mindful of the things that we may not all have the information at one time, so if we can speak with one voice, then we could have some liability in the situations, and it's just very important. I believe that the spokesman of record, and you can —. County Manager Abolt said, the Enabling Act. Col. Oliver said, — and this would be the Chairman of the Commission. Just a quick word, that's all I wanted.

Chairman Hair said, appreciate it, Colonel. I will be, you know, full time during the G-8 Summit and I will try to make sure the Commission is totally informed of what's going on, but as the Colonel said, official spokesman under the Act will be myself and we will make sure that we keep you informed.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I just hope the public is diligent and keep their eyes and ears open and alerting authorities to anyone that even appears out of the ordinary. I know that my family and I were going down Veteran's Parkway and we saw three people with a suitcase walking toward the train tracks and I called 9-1-1 and turned it in. It could have been nothing. I don't know if anything came from it, but even if you see something as simple as that, it could divert any kind of activity that we don't want to happen here in Savannah. We still want to be good hosts, but we can be diligent in our awareness of those things around us.

Chairman Hair said, I appreciate, Commissioner Rayno. We have a very, very good plan and we've been intimately involved in preparing that, the staff and myself, and I think Chief Flynn, under his leadership, has done an outstanding job as well as making sure —, we're going to keep the public totally informed, but it is important that we only have one spokesman for the County.

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2. AUTHORIZATION FOR THE CHAIRMAN TO SIGN RESTRICTIVE COVENANTS FOR WETLANDS MITIGATION BANK DOCUMENTS APPROVED BY THE CORPS OF ENGINEERS.

Chairman Hair said, this is something we've approved —. Commissioner Odell said, move for approval. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Thomas were 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 sign restrictive covenants for wetlands mitigation bank documents approved by the Corps of Engineers. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Thomas were not present when this vote was taken.]

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3. ENDORSEMENT OF RESOLUTION ACCG MEMBERSHIP ADOPTED ON APRIL 27, 2004, REGARDING FUNDING FOR INDIGENT DEFENSE SERVICES.

Chairman Hair said, this is a request from Jerry Griffin to support that. Commissioner Murray said, move for approval. Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes. We appreciate that.

ACTION OF THE BOARD:

Commissioner Murray moved to endorse a resolution adopted by ACCG membership on April 27, 2004, regarding funding for indigent defense services. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

RESOLUTION

Association County Commissioners of Georgia
Funding for Indigent Defense Services

WHEREAS, in response to concerns with the constitutionality of the prevailing arrangements for providing indigent defense services in Georgia, the General Assembly enacted a new statewide public defender system during the 2003 legislative session; and,

WHEREAS, the state, under the new system, is obliged to provide defense counsel, investigators, and administrative assistants to staff the public defender system in the superior and juvenile courts of this state; and,

WHEREAS, the new state law requires counties to provide offices, utilities, telephones, materials and supplies to equip, maintain and furnish the public defender offices serving the superior and juvenile courts; and,

WHEREAS, the state has accepted no responsibility for providing indigent defense services in state courts, probate courts, magistrate courts or recorders courts; and,

WHEREAS, the U. S. Supreme Court, in *Shelton v. Alabama*, has ruled that indigent defendants are entitled to legal representation whenever incarceration is a possibility whether charged with a felony or misdemeanor; and

WHEREAS, the *Shelton* decision, in practical terms, means that indigent defense services will have to be made available in state courts, probate courts, magistrate courts and recorders courts; and,

WHEREAS, in the absence of any state responsibility for indigent defense services in state courts, probate courts, magistrate courts and recorders courts, counties will be required to finance the entire cost of providing indigent defense services in those courts; and,

WHEREAS, the costs borne by counties for providing indigent defense services in state courts, probate courts, magistrate courts and recorders courts will be in addition to the counties' costs of supporting the public defenders' offices serving the superior and juvenile courts; and,

WHEREAS, services provided by counties in the state courts, probate courts, magistrate courts and recorders courts will be subject to the standards established by the Georgia Public Defender Standards Council; and

WHEREAS, it is estimated that, under the new expanded system of indigent defenses services and the standards promulgated by the Georgia Public Defender Standards Council, counties will be expected to appropriate for the first year, on a statewide basis, no less what they expended in the past (more than \$65 million in 2003) but which will likely rise in future years; and,

WHEREAS, the General Assembly has proposed legislation that will generate revenues from add-ons, civil filing fees and application fees in the superior court, juvenile, state, magistrate, probate and recorders courts that will more than offset the state's costs in financing their obligations; and,

WHEREAS, to date, the General Assembly has been unwilling to authorize any new source of revenues to assist counties in meeting counties' expanded obligations under the new indigent defense system; and,

WHEREAS, in the absence of new revenues, any new costs to counties to support indigent defense services will have to come from increases in property taxes.

NOW, THEREFORE, BE IT RESOLVED that the Association County Commissioners of Georgia, convened at its 90th Annual Meeting in Chatham County, hereby requests and urges Governor Perdue and the General Assembly of the State of Georgia to provide meaningful new revenues to help counties defray their costs of providing indigent defense services in the manner mandated by the General Assembly.

BE IT FURTHER RESOLVED that the General Assembly enact legislation that would provide new revenues to be retained locally to support indigent defense services as follows:

1. Establish a criminal fine add-on of 3% on fines levied in state, magistrate, probate and recorders courts;
2. Establish a fee of up to \$10 per civil filing for cases initiated in state, magistrate, probate and recorders courts; and
3. Establish a \$50 application fee for indigent defense services sought in state, magistrate, probate and recorders courts.

BE IT FURTHER RESOLVED that a process for providing oversight of the new indigent defense system be established to include periodic review of the standards promulgated by the Georgia Public Defender Standards Council and annual assessments of the fiscal impact of the new system on counties.

BE IT FURTHER RESOLVED that the Executive Director of the Association transmit a copy of this resolution to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Lieutenant Governor, and other interested parties.

Adopted this the 27th day of April 2004.

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VII. COMMISSIONERS' ITEMS

1. SABHC (COMMISSIONER RAYNO).

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you, Mr. Chairman. I've thought about this issue for a long time and I pray that the words I say today will touch the ears of those who listen and we make a decision that makes a monumental change in how we deal with mental health issues in Chatham County. I've —, we've all experienced people with mental health problems our whole lives and we may not realize it: a relative, an immediate family member who's had problems, and society in dealing with the people has always treated them kind of unfairly. I remember children in school who were chastised by their fellow students because they weren't normal and we've institutionalized these people trying to hide it from society. In the old days we called insane asylums. Sometimes we sent them away to areas where nobody sees them. We didn't want to deal with the problem because it's not the prettiest thing to deal with, the people that have these problems. It's estimated that one in five individuals in the country has a mental health problem. We often seem shocked when someone we know and love appears to be the happiest person in the whole wide world, but for whatever reason they take a gun and stick it to their head and pull the trigger. Personally I had that happen in my family with my cousin Mike, who I spent Summers with, grew up with him, rode motorcycles with him, went swimming, went hiking. He seemed like the happiest person in the whole world, but when he was in his 20's the ravages of mental health took over and so his whole family wouldn't have to clean up the mess he crawled into the bathtub and shot his head off. The same thing with a roommate in college, Bob. Happiest guy in the whole world. He seemed to have it all together. To save his parents the trouble of cleaning his mess, he crawled in the bathtub and did the same thing. And I had an employee of mine back in the 80's, who again seemed like the happiest person in the whole world, and she overdosed on sleeping pills and died. We've asked the State numerous times to deal with the situation as it was their

responsibility, but in their infinite authority and wisdom to balance budgets, they decided it was more important to put nine holes on a golf course in a community near here than fund mental health. It was more important to create a Hall of Fame than deal with mental health issues. It was more important to build another road somewhere than deal with mental health issues, or it was more important to make sure the gold dome looks gold than deal with mental health issues. Our priorities, as I've said before, are just all screwed up in this society that we don't take care of the people who need it the most, who don't have anybody to turn to, and so our lack of effort to deal with them, what do we do? We stick them in the County jail at a cost of \$45 per day. That makes absolutely no sense whatsoever. They don't get treated there. They're just incarcerated there and we have officers there that don't know how to deal with them. We have to pay for drugs at an ultra-expensive level. The DHR is happy because they're in the criminal justice system and they can say, "Well, our numbers are a lot lower in dealing with mental health." So I have a big concern about this. And people are saying, "Gosh, Jeff [Rayno], you're a Republican and you're proposing to ask for \$2,000,000 in bonds to be passed. That's a lot of money." Well, when you compare the cost of \$45 a day in the jail, some people have said there's 400 people in our County jail that have mental health issues. Let's just be conservative and say 200 are in the County jail with mental health issues at \$45 a day. That's \$9,000 a day we're spending to put people in the County jail. For a month that's \$270,000 and for a year that comes out to \$3,240,000. It seems to me that we could be smarter on how we're spending those tax dollars in dealing with these folks. And a little bit later on I'm going to make a proposal where we talk about the Downtown Authority passing a bond for \$2,000,000 that the County would back up. It would cost about \$170,000 per year. Then the State would pick up handling the medication for these folks and the State would deal with all the other issues for these folks and give them a continuum of care that doesn't currently exist for them. A mental health patient goes into the system and they get treated now through a CSB, but there's no component for them to have a place to live, so they go back out onto the street and on the street they fall back into their old ways. But with this proposal that I'm going to talk about later, they'll have continuous care, they'll have a place to sleep at night, they will have a group of people around them who will keep watch on them and make sure that they get better. And once they're better, they can contribute back to society by having jobs where they pay taxes and give back to society. In jail you just put them there and they sit and they take, they don't give back. And the other thing is that once you get them out of the jail, we open up the jail for murderers, like the one that walked into the plaza the other and simply killed a person because she won't hand over the car. I'd much rather see that murderer in jail and sit there until the day he dies. Better yet I'd like to see him get the death penalty. I'd rather see a rapist in that jail so that women can walk the streets and not worry about getting raped from a guy who does it over and over and over again. I'd rather see a child molester in jail. Have you ever gone on the sex offender website or the probation website. I did it for 31406. Right on Ferguson Avenue we've got a slew of people living over there. I've got a former murderer right around the corner from my house, a former robber right around the corner from my house. Out on the streets. Meanwhile, people with mental health issues are in jail taking up the space. It doesn't make any sense. There's just no common sense involved here whatsoever. I thought these things over and I wrote an editorial in the paper that appeared on April 17th, and I'm going to give this to Ms. Tillman so she can enter it in the permanent record. I was asked to read it, but in the interest of time I'm not going to do that. If you want to read it, it's on the Savannah Now website under the archives for April 17th, and it talks about these things I've talked about today, how we've got to do better. We've got to make a difference in this community and we can do it effectively. The money is there if we're smarter about how we use those tax dollars. We don't need to be spending \$3.24 million to keep people in the jail when we can do it for a lot less expensive, and it make sense, and make these people productive again. I've worked with individuals with mental health that are treated, and when they're treated properly, you can't tell them apart from anybody else. But when they're in jail, we're scared of them, we're afraid, we don't know what to do with them, and they're a threat to not only themselves but to the officers around them that have to look after them. So one of the first things I want to do today is to ask, number one, that we pass a resolution asking that the DHR recognize that Savannah Area Behavioral Collaborative is a viable and effective alternative to CSB's because it offers a continuum of care. I'd like to ask that the DHR reconsider the funding level for adult mental health services in Chatham County to a more appropriate amount; also request that DHR issue a request for proposal for children and adolescent services in Chatham County for the Region VII Planning Board and also ask that the \$800,000 in funding the DHR is currently holding in reserve for implementation of a crisis stabilization program in Chatham County be released so that we can implement the program. I'll ask for a second for that. Commissioner Odell said, I'll second.

Chairman Hair recognized Commissioner Rivers.

Commissioner Rivers said, I would probably add to that that we make that a part of our legislative priorities.

Chairman Hair said, okay, before we vote I'm going to ask Commissioner Odell to make a couple of remarks.

Commissioner Odell said, we hosted two public hearings on the state of mental health here in Chatham County and Mr. Rayno and I hosted the meetings and we had between four and a hundred —, and six hundred people to attend, and we took testimony and any person who considers themselves to be a compassionate person heart would have literally gone out to those people who had to come before us and speak. The underlying issue is the cost benefit of having a program is cheaper than not having a program. Currently, we have a catch as catch can system. Over the last 10 years we have had three mental health systems. We had Tideland that the Regional Board doomed to death, we had Gateway that the Regional Board doomed to death, and we have an emerging system. It is so unfortunate that people who need the government the most, that the government does not understand that when you have a dramatic shakeup of a system for mentally ill and mentally-challenged people that some of the people fall out. I kind of realize that that was the plan. You change the people and you lose people who need services. Now here's what that has done to this beautiful historic community. We have insisted, based upon a study done, Chatham Area Transit that they are to put up shelters so that those people who use the buses will not have to wait in the Savannah sun or not have to wait in the rain that we're going to have later tonight. What's happened is now people who have mental disorders are using those benches and shelters to sleep in. We have a system currently that lacks compassion. Beyond lacking compassion it is not cost effective. Mr. Rayno mentioned that it costs approximately, on a conservative side, about \$3.2 million to house those individuals who would better be served in some kind of mental health facility. That's just the housing cost. Let us talk further about the cost of psycho tropic drugs that has literally tripled. So if you

add those two numbers together, we or Chatham County Jail is now one of the largest mental health providers in this area. This country ultimately was founded on the belief of religious freedom, freedom from persecution. I believe by our doing that, that we are persecuting those who have mental illness. Those who do not have mental illness are obligated to do something for those who do. We will be meeting —, Mr. Rayno, Mr. Rivers and myself —, will be meeting. I think we're going to get support from the City of Savannah. We're going to insist on their involvement. We will be meeting so that we can fine tune our proposal. We need as a Commission on this important item to speak as one voice. I think all of us can agree that a society is determined or its compassion is determined based upon how it treats the least in its society. And I tell you, if you have noticed in the last two years the number of people walking that you see in the streets trembling, with bags of garbage, pushing carts, talking to themselves, that should be concerning —, that should concern every person who lives in this community. What we're talking about is literally shifting the money and reorganizing our priorities. That they should be treated, not placed in jail. We will have a cost savings. I support the proposal and I think that when we look at the new system that we do not become dependent upon the State of Georgia. To become dependent upon the State of Georgia to provide mental health in this area is a major mistake. The State of Georgia cut mental health funds by \$17 million and they gave out over \$30 million in pork barrel projects to various legislators, like give this legislator \$5,000 and they can buy a piano for this neighborhood association. We have the obligation here. We have not gotten the support on the State level. I heartily support this proposal. I think that we need to fine tune on this end criteria for success. What we've done in the past and as a former board member, and Marianne [Heimes] and I were on the board at Tideland Community Mental Health, and you talk to the administration at the old Tideland and you ask them, "What is the utilization rate?" and they tell you 22%, what that to me translates to mean that they are seeing patients 22% of an eight-hour shift, when the nation was seeing patients upwards of 75 to 80%. We want to make certain that this program that will be outlined will be successful. But we also want to make certain that it will be accountable. This should not, can not be a giveaway program, throwing money at the program without throwing a system, without throwing accountability is unacceptable. It's unacceptable. We're going to provide and we're going to do this. We're going to provide the funding. I think that this Commission has the willpower to go through the criticism initially, but we have the funding. We're also going to have a system too so that we can check the accountability. And I thank the Chair for the time.

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

Commissioner Rayno said, the only other thing I'd like to add is we provide as a goal the idea of moving forward with asking the Downtown Authority to do a bond to fund or finance the Fox Building renovations. Commissioner Rivers said, second. Chairman Hair asked, that's as a goal for our budget planning? Commissioner Rayno said, yes, and the other thing I'd like to add is that, as an aside, if anybody tries to pile onto that —, when bonds get done in Savannah, everybody tries to pile on —, if they try to pile onto this, pork projects on that, I will go against it.

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

ACTION OF THE BOARD:

1. Commissioner Rayno moved to pass a resolution asking that the Department of Human Resources [DHR] recognize that Savannah Area Behavioral Collaborative [SABHC] is a viable and effective alternative to the Community Service Board because it offers a continuum of care; that the DHR reconsider the funding level for adult mental health services in Chatham County to a more appropriate amount; that the DHR issue a request for proposal for children and adolescent services in Chatham County for the Region VII Planning Board and also ask that the \$800,000 in funding that the DHR is currently holding in reserve for implementation of a crisis stabilization program in Chatham County be released so that we can implement the program. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]
2. Commissioner Rayno moved that in our budget planning we provide as a goal the idea of moving forward with asking the Downtown Authority to do a bond to fund or finance the Fox Building renovations. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

Web posted Saturday, April 17, 2004
Savannah Morning News

Rayno: State must adequately fund county's mental health services

By Jeff Rayno
for the Savannah Morning News

While I can't speak for the entire Chatham County Commission, I have requested that the Department of Human Resources Board work with us to address the behavioral health needs of our community.

The Chatham County Commission has twice passed unanimous resolutions clarifying the direction it wishes to take. In both instances, the commission stated that it doesn't wish that the Gateway Community Service Board deliver any services in Chatham County.

Rather, it is our desire that the Savannah Area Behavioral Health Collaborative hold all DHR contracts for services. We are pleased that DHR has awarded SABHC the contracts for substance abuse services, adult mental health services, operation of four group homes and for service entry and linkage.

SABHC has done an excellent job delivering those services and has demonstrated that it's an effective alternative to Community Service Boards. We remain concerned, however, that the level of funding awarded to SABHC for adult mental health services is significantly lower than the per-capita need.

That amount is also significantly lower than the historical precedent in Chatham County. The result is that many individuals end up in the county jail rather than in a medical facility. The cost associated with that treatment is much higher for the taxpayers of Chatham County and perpetuates the problem we are all trying to minimize.

We ask that DHR reconsider the funding level for adult mental health services in Chatham County to a more appropriate amount. We also request that DHR issue a Request for Proposal for Children and Adolescent Services in Chatham County.

Currently, Gateway maintains contracts for those services in Chatham County and our position on the matter is clear. We would like there to be competition for the services, and we believe that SABHC would achieve a higher performance quota than what currently exists. Why would the DHR be against better results?

We also ask that the \$800,000 in funding the DHR is currently holding in reserve for implementation of a Crisis Stabilization Program in Chatham County be immediately released.

Last year, \$1.2 million held in reserve for that purpose was used as part of the Gateway bailout. It appears the state is holding that money again. Is there another bailout in our future?

Regardless, the much-needed program has not been implemented in Chatham County even though the funds are in place. Georgia Regional Hospital has submitted a proposal to implement those services. However, DHR staff has taken no action. We find that inappropriate and inexcusable.

The unique approach we are taking in Chatham County to address the behavioral health needs of our citizens is a more cost-efficient and effective model than what Community Service Boards offer.

As a member of the Regional Planning Board, I have had the opportunity to review and compare the outcomes SABHC delivers with those of Gateway. As member of the County Commission, I have received numerous complaints about the lack of children and adolescent services.

As a taxpayer, I'm concerned about the inappropriate holding of state funds intended for services in our community. This has to change.

The Chatham County Commission has taken a lead in addressing the problems of access to quality behavioral health services in our community. The state should work in partnership with us by addressing the concerns outlined here.

It is time that we have an efficient and effective health delivery system that address the issues of mental health and removes the public stigma for individuals who want nothing more than their own peace of mind.

Jeff Rayno represents District 1 on the Chatham County Commission.

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2. REZONING REQUEST/MPC (COMMISSIONER MURRAY).

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I received a petition from the people on Morningside Drive and part of Oemler Loop on the marsh side and Betz Creek side of it, a petition which reads:

We hereby petition the Chatham County Commissioners to recommend rezoning of the Morningside Drive and Oemler Loop area as shown on the attached map from a R-1-A zone to a R-1-C zone. We believe that the area on Morningside Drive possesses a unique historical development pattern and that the unique character of the area should be preserved, pursuant to MPC guideline #702.3. We feel it is necessary to re-zone the area to protect it from denser development.

Commissioner Murray said, I would like to make a motion that we send this to MPC for them to look at along with the attached map. Chairman Hair asked, do I have a second. Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.]

ACTION OF THE BOARD:

Commissioner Murray moved that we send to MPC for them to look at the petition and attached map requesting the rezoning of Morningside Drive and Oemler Loop area from a R-1-A zone to a R-1-C zone because of its unique historical development pattern and the unique character of the area which should be preserved, pursuant to MPC Guideline #702.3, to protect the area from denser development. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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3. 10 SANDY CREEK COURT (COMMISSIONER RAYNO).

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, I received a letter from constituents that live on Sandy Creek Court. I'm going to read this into the record and give it to Sybil [Tillman] so that she will try to interpret what I'm saying. Commissioner Odell said, Jeff [Rayno], if you'll just tender it in, I'll second. Chairman Hair said, yeah. Commissioner Rayno said, I think I —, it's very brief. Commissioner Odell said, okay. Commissioner Rayno said, it's better to read her words than mine anyhow.

My name is Jerrie Wilson and I live at 10 Sandy Creek Court, which is located in Rivers Bend. The grassy circle located in the center of our cul-de-sac has been overgrown for ages and some of us decided to clean up the mess including the broken beer bottles. After removing the overgrowth and trash we called the public works to locate the water line so we could remove a stump. I was informed that not only should we not have removed the overgrowth, but that for \$55.00 we could get a permit to remove a stump that the County will not remove as that's not part of their job. If I submit a plan and post a bond of \$150.00, I can plant a tree and some plants. If the County approves, when I'm finished they'll return my bond. This goes beyond stupidity. I pay to do the work and I pay for the supplies. I believe the County is paid by me to keep things nice not charge me to approve my work. How did things get so turned around?

Commissioner Rayno said, all I'm asking for today is just a little dose of common sense that we allow these people to find the water line, pay for a bush to put in there and some landscaping. It's on a cul-de-sac. The only people that's going to see it are those folks that live there, and it's just common sense. We're going to charge them \$150 to fix their own neighborhood. Chairman Hair said, make a motion. Commissioner Rayno said, I make a motion that we waive all the fees and have the County help them find the water line so they don't break it in the process of beautifying their neighborhood. Commissioner Kicklighter said, second.

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, clarifying. I believe y'all heard Mr. Drewry today, I do take exception to the connotation that staff is stupid on this, that we in effect are —. Commissioner Rayno said, her words not mine. County Manager Abolt said, I understand that, but for the balance I want you to realize that they're a very responsive department, Public Works and Park Services. What you're doing today is very fitting. All Public Works staff was doing, I think, was enforcing the laws of the County.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I agree we need to waive the fee on this, but I would like to say that the logic behind that is to keep folks from going out and cutting down our nice trees. That they would have to get permission before they go out and just cut down, you know, so there's definitely intelligence behind that zoning ordinance, but we definitely need a waiver.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I agree. I think the ordinance is there to protect the County from liabilities and a lot of other things, and at the same time the Commission has the authority to give those variances or waive the fees, and that's what we're doing today. So, it's a process we go through and if anybody else wants to do the same thing, they would have to come before the Commission to have that waived. I support the motion.

Chairman Hair said, all those in favor of the motion vote yes, opposed no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.]

ACTION OF THE BOARD:

Commissioner Rayno moved that the County help locate a water line on Sandy Creek Court, and that the County waive a \$50 permit fee and a \$150 bond for the removal of a stump and landscaping of the cul-de-sac on Sandy Creek Road by residents in the area. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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4. PINE BARREN AT POOLER PARKWAY (COMMISSIONER KICKLIGHTER).

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. We have an emergency situation taking place on the Pooler Parkway at the intersection with Pine Barren Road. Since the parkway opened, I believe the next day, there was a major accident there, and we really need the Georgia Department of Transportation to take an immediate look at the intersection and probably put a traffic light there. It's dangerous. The schools in the area, we have an elementary

school and a middle school there. It's my understanding that they are now —, Laidlaw is diverting the buses off of the parkway from that area, which will probably run transportation of the children home from school, probably 30 minutes later in the afternoon. It's a major mess so I'm just at this point asking that we pass a resolution, and I'll put this in the form of a motion, that we pass a resolution asking the Georgia Department of Transportation to prioritize the red light request at the intersection of Pine Barren Road and Pooler Parkway.

Chairman Hair asked, second? Commissioner Odell said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Kicklighter moved that, because of the dangerous situation and the location of schools in the area, the Board approve a resolution requesting the Georgia Department of Transportation [GDOT] to prioritize a request for an automatic traffic control signal at the intersection of Pine Barren Road and Pooler Parkway. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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VIII. TABLED/POSTPONED ITEMS

in your agenda packet. The files are available from the Clerk. Those on which staff is requesting action are indicated by asterisk (*).

- * 1. **REQUEST BOARD APPROVE A PLAN AND RELATED AGREEMENTS THAT WOULD ENABLE THE S&O CANAL SOCIETY TO USE DESIGNATED 1% SPLOST FROM 1998-2003 FOR AN INTERPRETIVE CENTER. Tabled at meeting of April 16, 2004, for more information.**

Chairman Hair said, Items 1 and 2 shall remain on the table. Commissioner McMasters's questions have not been answered.

ACTION OF THE BOARD:

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

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- * 2. **REQUEST BOARD APPROVAL OF A RESOLUTION TO ADOPT THE COASTAL GEORGIA GREENWAY THROUGH-CORRIDOR ROUTE THAT LIES WITHIN ITS JURISDICTION. [ALL DISTRICTS.] Tabled at meeting of April 16, 2004.**

ACTION OF THE BOARD:

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

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- * 3. **REQUEST BOARD DECLARE AS SURPLUS THE PROPERTY AT 5000 JASMINE AVENUE AND OFFER IT FOR SALE AT PUBLIC BID. [DISTRICT 3.] Tabled at meeting of April 16, 2004, to meeting of April 30, 2004.**

- * 4. **PURCHASING ITEM N. Tabled at meeting of April 16, 2004, to meeting of April 30, 2004.**

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
N. Real Estate Broker services	Manager	Coldwell Banker/Greater Savannah Realty	2.9%	Broker services will be paid at time of closing

Chairman Hair said, we will need a motion to take Items 3 and 4 off the table. Commissioner Rayno said, so moved. Chairman Hair asked, second? Commissioner Murray said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.]

Chairman Hair said, now we will need a motion on the items. We don't need a motion? Commissioner McMasters, do you want to make a motion? Commissioner McMasters said, I'm sorry. On —. Chairman Hair said, on these two items. These are your items. Commissioner McMasters said, yes. Chairman Hair said, declare as surplus property, 5000 Jasmine Avenue.

Commissioner McMasters said, I'm sorry, I'm not finding that —. Chairman Hair said, and real estate —. Commissioner McMasters said, in my binder. County Manager Abolt said, right after the tab on Tabled and Reconsidered Items. The yellow tab. Commissioner McMasters said, I'm sorry about that. Okay, thank you. I appreciate the work staff has done on answering some of these questions. I do have a question with regards to Facts and

Findings #4. Pat [Monahan], we discussed a little of this at our last meeting. It says, "Providing appraisal of the property for use in determining a minimum asking value." Mr. Monahan said, and your request that the staff proceed with obtaining a formal appraisal, which we have obtained pricing for that. We did not actually go out and compete that yet pending the Board's decision, but that's approximately between \$2,500 and \$3,500 and I was told between 30 and 45 days to complete it. So if it's the Board's desire that the County receive a formal appraisal to set the minimum asking value, I will proceed with that. Commissioner McMasters said, well, maybe we could handle this in a different fashion. Would it be possible to secure from the Tax Assessor's office the sales ratio report for the properties? Mr. Monahan said, I have that. Commissioner McMasters asked, what is your opinion of the recommended price versus the —? Mr. Monahan said, well, we have not gotten a recommended price on it. We've not set a minimum asking value. The procedure that the County has followed in the past is to get a marketing study to generally determine the value of the land and the building. It's —, this property's a little bit difficult because it's a little unusual. It's a —, it's basically a personal care home. That's how it will be sold, which means that it's a little bit small for the market because it only provides 14 bedrooms. The market —, that's kind of a small mom and pop type facility as opposed to a larger facility, so it may be a little bit more difficult to market and sell, but I don't know that the value that the Appraiser's office is —, I don't dispute that. If the Commission wants to use that as a minimum value, we could do that. The difficulty with setting a minimum value too high it's not like the typical arm's length transaction. The County cannot get a bid and then negotiate down. You know, generally that's what often happens with a listing. You start it at a price that's the asking value and negotiate down. Because of State law the County must accept —, you know, it's a bid process. That's why we generally start a little bit lower than what we're expecting and we've always managed to get beyond the minimum asking value. Commissioner McMasters said, well, the minimum —, although the minimum value has not been set, it says the Tax Assessor's office places the value at roughly \$400,000. Would you agree that —? Mr. Monahan said, I've not —, I've not taken a look at it closely. I've not seen that building, personally inspected that building in a couple of years. I'm getting some work done to it now to try to improve the appearance, but I mean if it's the Commissioners' desire to start it at \$400,000, I can try there, but I think I'll be back because I think that's probably high. Commissioner McMasters asked, well, the Tax Assessor's office values are always, would you not agree, Pat [Monahan], a year behind? Mr. Monahan said, they're a year behind but you've got to also remember that the Assessor's office —, normally the way they value commercial property, and what they'll do is they'll take a look at the value of the land, and I don't disagree with the value of the land, it's about 2½ acres, and the only difficulty in the value of the land is the non-conforming use because it's zoned residential and this happens to be an institutional use. But the Assessor's office will also take the value according to our [inaudible] means for the improvements and then use a depreciation schedule. Commissioner McMasters said, well, Pat [Monahan], the value of the land at two acres, actually 2.3 acres, is coming in around 14, \$15,000 an acre. Mr. Monahan said, right. Commissioner McMasters said, that strikes me as low. Does that not strike you as low? Mr. Monahan said, you've got to remember this is a —, other than this one property, everything else is residential in that area and it's not what you would call highly desirable property. It's —, I don't know that that's not too far off as far as the value per acre. Commissioner McMasters said, okay, but you at least agree that's a year behind. Mr. Monahan said, oh, yes. Yes sir, yes sir, it is. Commissioner McMasters said, well, my only —, my only —, the reason I brought this up at the last meeting was because we were essentially advocating allowing the selling agent to advise us what the selling price should be. Mr. Monahan said, providing —, the selling agent will make a recommendation based on the scope of work that we require. The selling agent will make a —, look at the market of the area, take a look at comparable properties, and then make a determination and generally suggest a range to the County. For example, if it was only the value of the property, although this building does have contributory value, if it's only the value of the property, then you know that'll be one value, then the value of the improvement less any depreciation, and also taking a look at the market. The difficulty with this property will be the fact that even though we have two potential buyers, when it comes time for them to pay \$400,000, I don't know that we'll receive a bid from either one of them because, based on my discussions with them, that's not the numbers that they're looking for. Commissioner McMasters said, well, if I was buying the property I'd be looking for the lowest possible number too. The point of this is, and it has more to do with our overall methodology or process when we're disposing of property, because I don't think it's —, I don't think the best manner of disposing of public property is to allow the listing broker to essentially —, the selling broker —, to determine and recommend minimum levels. I would like to urge you to —, you don't have to get an appraisal in my opinion in this particular sale because of it's unique nature, but I would not only like to see a selling agent's figures or number, but I'd also like to see a sales ratio report for like properties from the Tax Assessor's office so that we can kind of move a little further through here. Mr. Monahan said, well, it —.

Chairman Hair said, that's a separate issue. We need to —, you know, if you want to do that as a policy issue, that's fine, but let's go ahead and deal with this item and then if you want to make a separate motion —.

Commissioner McMasters said, well, I have one other question about the fund proceeds from it, and then I'll make a motion that we go ahead and proceed with that sort of instruction if that's good with you. Mr. Monahan said, that's fine. Commissioner McMasters said, okay. On page two on the funding part of this it says, "Proceeds from this sale would fund FY '04 and FY '05 requirements of property maintenance and county SAGIS position." Can you help me understand why we're —? Mr. Monahan said, that's basically how we fund the County SAGIS position, through —, as a base through this department. It's technically not the County Manager, it's actually the surplus property account, but the SAGIS position is funded in that manner. Commissioner McMasters asked, does anyone —, do you hope for rental income from this property? What is the likelihood if we held this, which is one of the options you presented —. Mr. Monahan said, and I —. Commissioner McMasters said, as a revenue stream, a recurring revenue stream —. Mr. Monahan said, and I pursued that. The difficulty in taking a look at rental income, I don't know that we will generate enough interest. With interest rates being so low, it's cheaper for a prospective user of that building to acquire it rather than pay the square footage cost that we would demand, and I think that was one of the problems that Gateway ran into that building. Gateway insisted that it's rental rate was too high for that property, and it was only somewhere around \$6.50p a square foot. Commissioner McMasters said, okay. Well, I'll move for approval on this with the understanding that in addition to the —. Mr. Monahan said, I will come back to the Board and the Board can confirm what the minimum asking value will be. Commissioner McMasters asked, which will include a sales ratio report? Mr.

Monahan said, yes sir. I'll do both ways. I'll do both the marketing study, which generally is a three to five page report, as well as the sales ratio study from the Board of Assessors.

Chairman Hair said, all right, we have a motion to declare the property surplus and also to —. Commissioner Rayno said, second. Chairman Hair said, — approve the Coldwell Banker — at 2.9. Second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner McMasters moved to declare as surplus the property at 5000 Jasmine Avenue (PIN 1-0294-01-005) and offer it for sale at public bid, and approve the award of a three-year contract to Coldwell Banker/Greater Savannah Realty, subject to annual renewal, for brokerage services at the rate of 2.9% to be paid at time of closing. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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IX. ITEMS FOR INDIVIDUAL ACTION

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

1. **REQUEST BOARD APPROVE THE FOLLOWING: A GENERAL FUND M&O CONTINGENCY TRANSFER OF \$6,865 TO THE FLEET OPERATIONS DEPARTMENT TO COVER TERMINAL PAY; A SPECIAL SERVICE DISTRICT (SSD) CONTINGENCY TRANSFER OF \$40,000 TO TRANSFER OUT TO THE CAPITAL IMPROVEMENT PROGRAM (CIP) FUND FOR BRIDGE REPAIRS; A TRANSFER OF \$350,000 IN THE CIP FUND FROM THE SAGIS PROJECT TO TRANSFER OUT TO SSD RESTRICTED CONTINGENCY; AN AMENDMENT TO THE CIP FUND TO RECOGNIZE THE TRANSFER IN FROM SPECIAL SERVICE DISTRICT; AND A BUDGET AMENDMENT TO THE SPECIAL SERVICE DISTRICT FUND TO RECOGNIZE THE TRANSFER IN FROM THE CIP FUND.**

Commissioner Odell said, move for approval. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.]

ACTION OF THE BOARD:

Commissioner Odell moved to approve the following: A General Fund M&O contingency transfer of \$6,865 to the Fleet Operations department to cover terminal pay; a Special Service District (SSD) contingency transfer of \$40,000 to transfer out to the Capital Improvement Program (CIP) fund for bridge repairs; a transfer of \$350,000 in the CIP fund from the SAGIS project to transfer out to SSD restricted contingency; an amendment to the CIP fund to recognize the transfer in from Special Service District; and a budget amendment to the Special Service District fund to recognize the transfer in from the CIP fund. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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2. **REQUEST BOARD APPROVE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF BLOOMINGDALE REGARDING ANNEXATION AND MAINTENANCE ISSUES. (PLEASE NOTE THAT RATHER THAN BUDGETING FOR THE \$40,000 IN FY05, IT IS RECOMMENDED TO BE DRAWN OUT OF SSD CONTINGENCY, THUS RELIEVING THE PRESSURE ON THE PUBLIC WORKS BUDGET NEXT YEAR. SEE ITEM 1 ABOVE.) Note: Jim Gerard, attorney for the City of Bloomingdale, has requested this item be pulled from the agenda. His request is attached.**

Chairman Hair said, Item 2 has been pulled at the request of the City Attorney of Bloomingdale.

ACTION OF THE BOARD:

This item was pulled from the agenda at the request of the City Attorney of Bloomingdale.

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3. **BOARD CONSIDERATION OF WAIVER OF LATE PENALTY FOR TARDY BUSINESS TAX CERTIFICATE RENEWALS AFTER DUE DATE FROM GAYLENE LEE, AGENT FOR SONIC**

**MANAGEMENT, LOCATED AT 5440 AUGUSTA ROAD, 4691 HIGHWAY 80 EAST, 1020 KING GEORGE BOULEVARD AND 396 CANEBRAKE ROAD.
[DISTRICTS 4, 6 AND 8.]**

Chairman Hair asked, is anyone in the audience to speak on this first? Any —, for the petitioner? Okay, Mr. Anderson.

Mr. Gregori Anderson said, good morning. This is a petition for a waiver of late fees for renewal of business tax certificate for four locations here in Chatham County. The deadline for submitting without the penalty is March 1st. We received the remittal to our office on April 20th.

Commissioner Murray said, I move to deny the request since no one came to represent them. Commissioner Rayno said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion to deny passes.

ACTION OF THE BOARD:

Commissioner Murray moved to **deny** the request for waiver of late penalty for tardy business tax certificate renewals after due date from Gaylene Lee, agent for Sonic Management, located at 5440 Augusta Road, 4691 Highway 80 East, 1020 King George Boulevard and 396 Canebrake Road. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas 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.)

Chairman Hair said, that takes us to the Action Calendar. We have pulled Items 3, 4, 7, 9-B, 9-C and 9-D has been pulled at the request of the Police. I'll entertain a motion to approve the balance of the Action Calendar. Commissioner Odell said, move for approval. Commissioner Rivers said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Odell moved that the Action Calendar be approved in its entirety with the exception of Items 3, 4, 7, 9-B, 9-C and 9-D. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas 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 APRIL 16, 2004, AS MAILED.

ACTION OF THE BOARD:

Commissioner Odell moved to approve the minutes for the pre-meeting and regular meeting of April 16, 2004, as mailed. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD APRIL 8 THROUGH APRIL 21, 2004.

ACTION OF THE BOARD:

Commissioner Odell moved that the Finance Director is authorized to pay claims for the period April 8, 2004, through April 21, 2004, in the amount of \$3,901,966. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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**3. REQUEST FROM HGB&D, ENGINEER FOR THE DEVELOPER, JERRY KONTER, TO APPROVE THE CONSTRUCTED IMPROVEMENTS FOR LEGACY SQUARE PHASE 2, INITIATE THE WARRANTY PERIOD AND REDUCE THE FINANCIAL GUARANTEE.
[DISTRICT 7.]**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. This is Legacy Square Phase 2. It says it's 63 lots on 16.29 acres, and it says water and sanitary sewer will be maintained by Consolidated Utilities. Who is Consolidated Utilities? County Manager Abolt said, a private water company. County Engineer Bungard said, go ahead, Suzanne [Cooler]. Ms. Suzanne Cooler said, it's a private water company owned by the Abbots, West Chatham. Commissioner McMasters asked, do they provide other systems in Chatham County? Commissioner Murray said, yes. Ms. Cooler said, they provide most of that Westside. They provide many developments along 17, the Berwick Plantation Development, Berwick Lakes. Commissioner McMasters said, okay. Point two in Facts and Findings says that the developer provided a letter of credit from The Savannah Bank in the amount of \$95,000 to cover this warranty period. Is any of this coverage, as provided in the letter of credit, protecting or warranting any of the water and sewer? Ms. Cooler said, no. At this point, the water and sewer has been accepted by Consolidated. They haven't approved the construction. Commissioner McMasters said, if you'll just help me understand, what the —, what is being warranted? Ms. Cooler said, the construction, the paving and the drainage improvements. Commissioner McMasters said, paving and drainage. Ms. Cooler said, those that the County will maintain. Commissioner McMasters said, okay. How long is this warranty period? Ms. Cooler said, it's a one-year warranty period. Commissioner McMasters asked, I'm sorry? Ms. Cooler said, one-year warranty period.

Commissioner McMasters said, okay. If I can asked everyone to move ahead to Item 4 by way of comparison, here we have a similar —, I mean, from my perspective —, a similar request for Berwick Lakes. Instead of 63 lots on 16 acres, it's 55 lots on 14 acres. It's pretty similar, and here the developer provided a letter of credit for \$457,000 as a construction performance guarantee and the developer requests that the County reduce that coverage by 50%, which is, you know, about \$225,000. Why are we accepting a \$95,000 warranty for 63 lots on 16 acres and then the very next item we're asking for \$225,000 coverage for approximately the same number of houses? Ms. Cooler said, the engineers submit a cost estimate of the cost of all improvements, and that's what it's based on. It's based on the cost estimates that the engineers submitted. They could —, it depends on all the improvements there. There's more construction on one than on the other. Commissioner McMasters asked, so you're really saying that there's 150% more infrastructure in this project of 55 lots on 14 acres than 63 lots on 16 acres? Ms. Cooler said, based on the estimates the engineers provided, yes that's correct. Commissioner McMasters asked, can staff explain to me where that overage stems from? Commissioner Kicklighter said, it's not our staff, it's their staff. County Engineer Bungard said, it's not an overage. In some cases subdivisions have drainage which is on the surface. Some developers put in all underground storm pipes. If you have a lot of underground storm drainage pipes, the cost goes way up. But that's why we —, that's why we ask for those estimates from the engineer of the developer. Chairman Hair said, and the engineer is independent so they don't have —. Commissioner McMasters asked, well, do we not have —, do we not have any oversight to ensure that those estimates are reliable? County Engineer Bungard said, well, we rely on them and they're putting their P.E. stamp on the drawings. They have construction estimates and, yes, we do rely on those. We check them for reasonableness and, you know, we can compare, but in this case I think you're trying to compare apples and oranges just because the number of lots and acres happen to be, you know, seem to be similar. Commissioner McMasters said, well, forgive me, I mean, I don't get as much detail as you do, but on the surface there's obviously —. County Engineer Bungard said, I understand. Commissioner McMasters said, — an inconsistency here and I'm just asking you to be specific with me as to what denotes or connotes that differential between these two projects.

Chairman Hair said, I think he's done that. He told you it's based on, you know, infrastructure. County Engineer Bungard said, and they also get contractual bids from —, when these developers go out, they get bids on what the cost of the improvements are. Chairman Hair said, right. County Engineer Bungard said, so we have —, we have a number that says this contractor bid so much to build these roads and, you know, these drainage improvements and whatever else is required as part of the infrastructure.

Commissioner McMasters said, okay, last question. Just academically and I know we have some people from the MPC here, but can anybody tell me what percentage of greenspace of these 63 lots are? Ms. Cooler said, I can't answer specifically, but they meet our requirements. Commissioner McMasters asked, what is your requirements? Ms. Cooler said, that they have 28% greenspace in all developments. Commissioner McMasters asked, so they meet that? Ms. Cooler said, they meet our greenspace requirements. Specifically, I can't answer that right now. County Engineer Bungard said, it could be more than that, but —. Chairman Hair said, that's the minimum, you know. Commissioner McMasters said, okay. Thank you.

Chairman Hair said, all right. I'm going to go ahead. We decided we would take both at the same time since you brought them in together. Commissioner McMasters said, okay. Do we have a motion. Commissioner Rivers said, moved for approval. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the request from Hussey, Gay, Bell & DeYoung (HGB&D), engineer for the developer, Jerry Konter, to approve the constructed improvements for Legacy Square Phase 2, initiate the warranty period and reduce the financial guarantee. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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4. REQUEST FROM HGB&D, ENGINEER FOR THE DEVELOPER, EAGLE DEVELOPMENT GROUP, TO RECORD THE SUBDIVISION PLAT FOR BERWICK LAKES SUBDIVISION PHASE 5, INITIATE THE WARRANTY PERIOD AND REDUCE THE FINANCIAL GUARANTEE. [DISTRICT 7.]

[NOTE: See discussion on Item 3 above. Item 4 was discussed concurrently with Item 3.]

ACTION OF THE BOARD:

Commissioner Rivers moved to approve the request from Hussey, Gay, Bell & DeYoung (HGB&D), engineer for the developer, Eagle Development Group, to record the subdivision plat for Berwick Lakes Subdivision Phase 5, initiate the warranty period and reduce the financial guarantee. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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5. REQUEST BOARD APPROVE REQUEST TO USE A COUNTY-OWNED PARKING LOT ON DRAYTON AND 32ND STREETS BY BULL STREET BAPTIST CHURCH. [DISTRICT 8.]

ACTION OF THE BOARD:

Commissioner Odell moved to authorize a memorandum of agreement approving the request of Bull Street Baptist Church to use a County-owned parking lot on Drayton and 32nd Streets, which agreement shall include the following: (1) Use of the church cannot interfere with the Health Department's need for the parking lot (this is not an issue with Sunday services); (2) the church will hold harmless Chatham County and the Board of Health for any damages or alleged claims during use; and (3) Chatham County can cancel the agreement at any time the church's use is not deemed satisfactory. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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6. REQUEST BOARD APPROVE AND CONFIRM THE CHAIRMAN'S SIGNATURE ON AN AGREEMENT (ATTACHED) THAT PERMITS TWO ELEMENTS OF THE GEORGIA ARMY NATIONAL GUARD TO USE THE FACILITY KNOWN AS THE CHATHAM EMERGENCY MANAGEMENT AGENCY EMERGENCY OPERATIONS CENTER DURING THE PERIOD OF THE JUNE 2004 G-8 SUMMIT.

ACTION OF THE BOARD:

Commissioner Odell moved to approve and confirm the Chairman's signature on an agreement that permits two elements of the Georgia Army National Guard to use the facility known as the Chatham Emergency Management Agency Emergency Operations Center during the period of the June 2004 G-8 Summit. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

AGREEMENT

This Agreement is made and entered into this ____ day of _____, 2004, by Chatham County, Georgia, a political subdivision of the State of Georgia ("County"), and the Georgia Army National Guard ("National Guard").

W I T N E S S E T H :

WHEREAS, the 2004 G-8 Summit will take place in Chatham County, Georgia ("County") on June 8, 2004 through June 10, 2004; and

WHEREAS, National Guard support and protection will be needed in Chatham County in connection with these events from June 2, 2004 through June 12, 2004; and

WHEREAS, the National Guard has requested assistance from the County with support and protection.

NOW, THEREFORE, in consideration of the premises, the County and National Guard agree as follows:

1. The County will allow the National Guard 1-214th Field Artillery Battalion from Savannah, Georgia and the 781st Troop Command from Decatur, Georgia the use of its Chatham Emergency Management Agency Emergency Operations Center for use as a battalion center.

2. The National Guard shall utilize the Chatham Emergency Management Agency Emergency Operations Center located at 124 Bull Street, Savannah, Chatham County, Georgia from the period of June 2, 2004 through June 12, 2004 for venue support and protection as described above.

3. The County will provide technical assistance to ensure the availability of telephone and computer services to the National Guard during the time period herein. The National Guard agrees that said services will only be used for official business and will reimburse the County for any charges for non-official use.

4. The National Guard shall agree to protect, defend, indemnify and hold harmless the County, its Commissioners, officers, trustees, agents, and employees, the Chatham-Metropolitan Police Department, its officers, agents, and employees from and against any and all liability, damages, claims, suits, liens and judgments of whatever nature, including any claims for contribution and/or indemnification for injuries to any person or persons or damage to property caused as a result of the National Guard's use of the Chatham Emergency Management Agency as described in this Agreement.

5. This Agreement shall be construed and interpreted in accordance with Georgia law.

IN WITNESS WHEREOF, said parties have hereunto set their hands and affixed their seals, the day and year first above written.

CHATHAM COUNTY, GEORGIA

By: _____
Billy B. Hair, Chairman
Board of Commissioners

ATTEST: _____
Sybil E. Tillman
Clerk of Commission

SEAL

GEORGIA ARMY NATIONAL GUARD

By: _____
Owen M. Ulmer, Jr., COL GAANG (Ret)
Director of Joint Operations

ATTEST: _____

SEAL

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7. REQUEST FOR NEW BEER AND WINE RETAIL LICENSE FOR 2004. PETITIONER: DANNY TERRY BENNETT, D/B/A WAL-MART #606, LOCATED AT 4725 HIGHWAY 80 EAST. [DISTRICT 4.]

Chairman Hair said, at the pre-meeting, Mr. Anderson, I don't think you were there, the only question I think on this is it says new and was this a new or renewal. Mr. Gregori Anderson said, this is a new one. Commissioner Murray, do you —.

Commissioner Murray said, so we're adding this. Mr. Anderson said, that's correct. Chairman Hair said, okay. Commissioner Murray asked, and we actually do not have or do we have any grounds to deny that? Mr. Anderson said, not to my knowledge. They meet all the requirements of the ordinance. Commissioner Murray said, all right. Move for approval. Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes.

ACTION OF THE BOARD:

Commissioner Murray moved to approve the petition of Danny Terry Bennett, d/b/a Wal-Mart #606, located at 4725 Highway 80 East, for a new beer and wine retail license for 2004. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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8. REQUEST FOR NEW BEER AND WINE RETAIL LICENSE FOR 2004. PETITIONER: SHARON BELINDA LOVE, D/B/A WAL-MART SUPERCENTER #605, LOCATED AT 1955 EAST MONTGOMERY CROSSROAD. [DISTRICT 1.]

ACTION OF THE BOARD:

Commissioner Odell moved to approve the petition of Sharon Belinda Love, d/b/a Wal-Mart Supercenter #605, located at 1955 East Montgomery Crossroad, for a new beer and wine retail license for 2004. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

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9. 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. One year extension to professional services contract to provide traffic engineering professional services	Engineering	Tina D. Bockhold	\$30 per hour	•SSD •Land Disturbing Activity Ordinance
B. Change Order No. 4 to the engineering contract for the Ogeechee Farms Drainage Improvements for additional services	SPLOST	EMC Engineering Services, Inc.	\$25,424	SPLOST (1998-2003) - Drainage - Ogeechee Farms
C. Change Order No. 5 to the construction contract for the Stephenson Avenue widening project to pay items for a different project staging, an additional traffic signal, additional unclassified excavation and traffic control	SPLOST	APAC-Georgia, Inc.	\$144,732.09	SPLOST (1985-1993) - Stephenson Avenue Widening project
D. Badges	Savannah-Chatham Metropolitan Police	Aramark Industries, Inc.	\$19,791	SSD - Police
E. Purchase and installation of equipment and software required to upgrade the parking garage access control and revenue computer system	Parking Garage	Carolina Time Equipment Company	\$28,607	Parking Garage Unrestricted Net Assets
F. Renew annual property insurance coverage for various Tybee Island locations	Finance	Axis Specialty Insurance Company	\$31,200	General Fund/M&O - Insurance and Surety Bond Premiums

As to Items 9-A through 9-F, except 9-B, 9-C and 9-D:

Commissioner Odell moved to approve Items 9-A through 9-F, except Items 9-B, 9-C and 9-D. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]

As to Item 9-B:

Change Order No. 4 to the engineering contract for the Ogeechee Farms Drainage Improvements for additional services; SPLOST; EMC Engineering Services, Inc.; \$25,424; SPLOST (1998-2003) - Drainage - Ogeechee Farms

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Mr. Chairman. If we look at this contract's history, the original contract from March 2 of '94 is for \$26,236; Change Order No. 1, 6/95, prepare construction drawings, \$34,000; Change Order No. 2, prepare right-of-way [sic], \$23,000; Change Order No. 3, \$14,000 for additional design, and now Change Order No. 4 of \$25,000. Again, can someone explain why we have an original contract award of \$26,000 and it's now \$123,600?

Chairman Hair recognized County Manager Abolt.

County Manager Abolt said, yes. Dr. Hair, gentlemen, this again falls in that category of the report we gave you many months ago. At this particular time, and this was just about the time that SPLOST was approved to do drainage, the

then-seated County Commission allocated I believe it was about \$4 million to kick start drainage before we had the SPLOST funds. At that time the County Engineer, Mr. McKenzie, came forward and the Board approved what amounted to not risks, but realizing they wanted to do several things on drainage and they only had a certain amount of money. They wanted to begin small, realizing many of these drainage ways were several miles long. Therefore, the then Board seated allowed us to proceed with initially beginning to not only analyze but define what future construction is. That's what you see here. With a little bit amount of money they were trying to solve some big problems and the Board knew at the time and they agreed that in projects like this there would be a series of change orders.

Commissioner McMasters said, well, Rus [Abolt], why since we're really starting out \$26,000 and now we're at \$123,000, why do we not break these things into separate contracts so that they —? County Manager Abolt said, sir, at the time —, again going back 10 years, staff —, the community was embarking upon solving a problem that would not go away. That was a time in which in one year we had a 200-year storm in there. The Engineering Department did not have the capacity to begin to analyze the fix. So in this case, the Board then agreed that a little bit of money would be used to begin to define the problem so we could put together construction projects, and that's what you see. Though I don't have specific knowledge of the \$26,236, I'm making an assumption that that was the initial survey and analysis of what the problem was that would lead to future improvements. Placentia Canal in your district is a good example. The money that was spent then was to begin to initially define what the fix must be and that's why there were different phases of dealing with Placentia. The community was in a crisis in 1993 and 1994 and the County Commission wanted to use what dollars were available to begin to solve —, define and then solve that crisis. Commissioner McMasters said, well, Russ [Abolt], there have been in prior meetings plenty of similar discussions on SPLOST contracts from SPLOST II, SPLOST III, that have this same sort of continuum of change orders, and in this one you've got —, you've really got almost three change orders that are greater than the original contract award amount. So I understand that, you know, pre-dating the original SPLOST we kind of just put a number in there and —. County Manager Abolt said, no sir. No sir. Engineering —, this is not meant to be a smart-off comment —, engineering is an exact science. The solutions have to be exact solutions. We were saying back in 1993 and 1994 the problem was so monumental that no one knew the exact definition of the problem and, more importantly, the fix. The County Commission said, "We must do something." They allocated the \$4 million and we started doing something.

Chairman Hair said, you know, Commissioner McMasters, you ask the same question every meeting and the answer's the same every meeting. You know, when you start these projects, you know, the scope changes and all these changes —. The same question you asked the last time, it's the same answer.

Commissioner McMasters said, Billy —, Mr. Chairman, with all due respect, in government contracting with fighter aircraft or building ships, we get closer to our original awards and budgets there than we do in any of this drainage stuff, and I just don't understand why —. County Manager Abolt said, there's a reason for it, sir. The SPLOST projects, in which this Board was a party to approving, you approved an expenditure for a variety of projects that we did not have the luxury of saying here are the engineering estimates and designs for the project. Not at all. This community has never been able to have the luxury of pre-designing and estimating with exactness projects. Quite frankly, we're saying this project is of such a priority, let's begin to solve it, realizing as you began to solve it that you didn't have any money in your pocket to come up with the final dollars. Commissioner McMasters said, well, Russ [Abolt], with all —, and I'll conclude on this. I appreciate the goal and I appreciate the fact that these things were jump-started, but could it not have been possible to address the sequential changes and the unknowns as they became known as separate contracts so the taxpayers could better understand the cost accounting for solving what is a very important problem in the community? County Manager Abolt said, again —. Commissioner McMasters said, that I don't understand. County Manager Abolt said, I can —, permit me, sir. I'll use this as an example. Again, when Mr. McKenzie was here as the professional engineer advising both myself and the Board, he said he needed an engineering firm to look at this particular project, Placential Canal, whatever, and there had to be some continuity because if you were to bid out each thing, you'd have delays and then you'd lose some of the knowledge that would be gained as you begin to build the project. So that was the risk, but Mr. McKenzie to his credit and his staff's credit, we told the Board up front, "We're in a crisis," and this was the way it was attempted to be solved and so far it's worked quite well. Commissioner McMasters said, Russ [Abolt], with accomplishing the project, I have no problems with funding the project. What I have a problem with is you seemingly say that it is not possible to create a better accounting paradigm for a project. Why can't you build a project and create separate contracts within that project instead of piling on —. County Manager Abolt said, no sir. Commissioner McMasters said, — to the original contract so that it looks absolutely —. County Manager Abolt said, we've explained this process many times before. You must realize —, look at the original contract for the \$26,000. That was beginning to define the problem. They didn't know, for example, they had no construction drawings, they didn't know what the right-of-way needs were. So they began to build on it. You have to start from a basic understanding of what the problem is and the Board said, "We must do that," and as I've said before, there's nothing to apologize when it comes to change orders.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, move for approval of the —. Commissioner Kicklighter said, second. Chairman Hair said, second. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes.

Commissioner Rivers said, Mr. Chairman. Chairman Hair recognized Commissioner Rivers. Commissioner Rivers said, you know, we used a certain methodology to do these projects initially. Now if he wants an exact accounting, although you do have one person, then let's define that and if we don't want to go forward with that contract, then we won't do that. But we can do that other than in this body here, because he can find out [inaudible].

As to Item 9-C:

Change Order No. 5 to the construction contract for the Stephenson Avenue widening project to pay items for a different project staging, an additional traffic signal, additional unclassified excavation and traffic control; SPLOST; APAC-Georgia, Inc.; \$144,732.09; SPLOST (1985-1993) - Stephenson Avenue Widening Project

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you, Mr. Chairman. Mr. Bungard, thank you for answering questions. I get a lot of calls about Stephenson Avenue, which I'm sure you do as well. I was just hoping you might give us a brief update of where we're at and where the contractors for this particular project and also to publicly say there's going to be a meeting the third week in May at the Memorial Baptist Church on Habersham. If anybody wants to attend that meeting it's going to be a to-be announced as to what day it is. If you'll just give us a brief update, if you would please. County Engineer Bungard said, well, we think at this point we've reconciled most of the utility conflicts that we found. There were water, sewer, gas, power. In one case power poles were moved. They were moved incorrectly and had to be moved again because obviously a cumulative, you know, a ripple effect of that. The major problem we —, about the time we were working those was when we found out that the staging plan was either not doable or in a great impact on those property owners on the, I guess, it's the south side. We went back to the contractor and said, "Well, how can we accomplish this?" and involved our consultant. It was actually APAC, their performance aside, who suggested that rather than build this temporary gravel way around and have all these additional grade problems in the property, we do something called full-depth leveling and part of the delay has been negotiating with them to how best accomplish that. And the previous method would have cost the County about \$129,000, with this new method about \$118,000. So part of the change order includes the additional cost. Some of the delays were no fault of the contractor. I submit some of them are and I'm sure we will be in litigation on that. There's no doubt in my mind and I've talked to the County Attorney about that. So what we look at now, and we have met with all of the property owners, we continue to meet, some have been hard to find out, because there's no question some of the driveways were put in incorrectly by the contractors. Some of the driveways were put in too steep by design error and, yes, they may have been allowable to be up to 10, 11, 12%, whatever it is, in my view I don't care what the design guidance says, if you're going to go, you know, put a driveway up to go down, that doesn't pass the common sense test. I meet with Mr. Moreland personally. He agrees with that and he's sending his designer back down here next week to revisit every single driveway. We're going to revisit all of the drainage issues because some of it was, I shouldn't say exacerbated, but we can't stop development, so there's at least eight developments I know of that came along after we awarded the contract. My beef with the designer is that they should have accounted, even though we didn't know what the development looked like when the contract was bid, there should have been some accommodation for the yard drainage. And so now we're going to have to remove some of the improvements from the development, that's included in the change order, and incorporate yard drains to make sure it meets the current requirements. We have —, we also in the change order demanded credits for the lack of supervision by the contractor to the tune of about \$43,000. You know, if your bid said you're going to spend —, have a superintendent on the job day to day and you don't have them there and we've documented it, we want some money back for that. So the net change is \$144,000. I think I've covered most points —, the aspects.

Commissioner Rayno asked, and we receive more back through litigation depending on how that works out? County Engineer Bungard said, right. I mean, we're going to go through, it's premature now to go back, and the Chairman ought to know, shouldn't be [inaudible] some sort of concurrent renumeration. They have concurrent no, renumeration yes. We'll sort that out. Mr. Moreland's already agreed that he'll come send his people down here at no cost, you know, to go ahead and relook, you know, at those issues. If there is in fact a design error, we'll hold the designer consultant accountable for that. Commissioner Rayno said, the points to remember are that you've met with every single constituent out there that had a complaint and set up one-on-one meetings and answered their concerns. County Engineer Bungard said, yes sir. Commissioner Rayno said, the second thing is that some people said I can't believe you're building a road where one side is up here like that, nobody would build a road like that. The road will be flat across when it's done. It's just building by process so that we don't have to completely close down the road. That's for the convenience of the people that use that east-west corridor. So they have to understand it will be a flat road when it's done. I had an agreement from Mr. Sweat at the meeting that each grade of those driveways would be no more than 11%, so we've got a guarantee of that. County Engineer Bungard said, yes sir. Commissioner Rayno said, so that's all part of the public record now. County Engineer Bungard said, right. Commissioner Rayno said, okay. Thank you.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you. How much of this \$4.8 million was land acquisition cost? County Engineer Bungard asked, of this —, the contract listed here? Commissioner McMasters said, yes. Is land acquisition part of the —? County Engineer Bungard said, no, no. This is just the construction contract. Commissioner McMasters asked, that was beyond this? County Engineer Bungard said, yes sir. Commissioner McMasters said, okay. How long is this construction road? A half mile? Third of a mile? County Engineer Bungard said, no, three-eighths to a half, I think. Something like that. Commissioner McMasters asked, and what were land acquisition and legal costs? County Engineer Bungard said, I can certainly provide you a report on that. I don't have that handy. Commissioner McMasters said, well, we know the construction is \$4.8 million. County Engineer Bungard said, right. Commissioner McMasters said, for a third of a mile. County Engineer Bungard said, it's all commercial property up and down. Very expensive property, and I still have, I think, four or five condemnations pending along that route too. Commissioner McMasters asked, do you have any —, do you have a rough idea of what this might finish at? County Engineer Bungard said, no. I mean —. Chairman Hair said, you're asking questions he can't answer, Commissioner McMasters. Commissioner Kicklighter said, this is stuff that [inaudible] —. Commissioner McMasters said, I think —. County Engineer Bungard said, I'll be glad to provide you a written report of every part of the project. I came prepared to discuss the construction contract itself. Commissioner McMasters said, okay. Let's discuss in your memo to us, it says: While staff takes the position that APAC has not been prosecuting the work in a timely manner and had not been paying their subcontractor

in a timely manner, the fact remains we do still have a contract with them. So do we have no other alternative but to continue working with APAC?

County Manager Abolt said, you may want to ask those questions, if you wish, in executive session. There's some down sides which can be explained very graphically by Mr. Bungard and the attorney as to what's involved in calling the bond. But your other question about the cost of the project, I freely stipulate this probably is the most expensive piece of roadway this County has built, the reason —, but the reason being is initially it was to be funded by the State. At that time the State was going to build the road for us. There was a great deal of objection —, the Chairman will remember this —, and Mr. Shackelford came down because the State wanted to put a median down the middle of that road and that didn't make a lot of sense. Chairman Hair said, and that was the only way he would pay for it. County Manager Abolt said, — they would only pay for it. That road had to be redesigned because there was a great human cry from various property owners along the roadway. It had to be redesigned. There was also a great deal of concern for trees. When you actually look at this, and I'm very candid, as I know you'll appreciate in my remarks, the overall benefit will be marginal because we did identify when we started making all these compromises, and I used a term back then I'll now, it was kind of designed by a committee. But once the roadway is improved, the level of service that it is going to see appreciated, which will mean you can move from east to west in a better fashion, will be not that great, but this is an example in my estimation of how not to build a roadway. When you get involved in building a road by committees, this is the problem we have.

Commissioner McMasters said, okay. County Engineer Bungard said, but I can tell you dollars, we've got eight million dollars right now allocated to towards this project. About five million is for this. That leaves about two to three million, which would cover all the engineering, right-of-way acquisition, utility relocation and actually the cost of the property itself. Commissioner McMasters asked, so we've already spent as much as eight million on a third of a mile —? County Engineer Bungard said, that's what is budgeted in this project because GDOT because GDOT backed out of it. Commissioner McMasters said, okay, I'm done.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, move for approval. Commissioner Kicklighter said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. Chairman Hair and Commissioners Rayno, Rivers, Murray, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioner McMasters voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion passes.

As to Item 9-D:

Badges; Savannah-Chatham Metropolitan Police; Aramark Industries, Inc., \$19,791; SSD - Police

This item was pulled from the agenda by the Police Department.

ACTION OF THE BOARD:

1. Commissioner Odell moved to approve Items 9-A through 9-F, except Items 9-B, 9-C and 9-D. Commissioner Rivers seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]
2. Commissioner Odell moved to approve Item 9-B. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]
3. Commissioner Odell moved to approve Item 9-C. Commissioner Kicklighter seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Murray, Odell, Gellatly and Kicklighter voted in favor of the motion. Commissioner McMasters voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Thomas was not present.]
4. Item 9-D was pulled from the agenda at the request of the Police Department.

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XI. FIRST READINGS

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

None.

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XII. SECOND READINGS

- 1. PETITIONER HAROLD B. YELLIN, AGENT (FOR A. J. & C. GARFUNKEL, LLC, AND HAROLD BLACK, OWNERS) IS REQUESTING REZONING TERRA FIRMA HAMMOCK, JOHNNY MERCER BOULEVARD, FROM A PUD-CC-24/TC (PLANNED UNIT DEVELOPMENT-COMMERCIAL CENTER-24 UNITS PER NET ACRE-TOWN CENTER) ZONING CLASSIFICATION TO A PUD-M-3.5 (PLANNED UNIT DEVELOPMENT MULTI-FAMILY-3.5 UNITS PER NET ACRE) ZONING CLASSIFICATION. THE MPC RECOMMENDED APPROVAL.
MPC FILE NO. Z-040225-42859-1
[DISTRICT 4.]**

Chairman Hair said, I'll call on MPC staff.

Ms. Charlotte Moore said, the property is zoned PUD-CC, Planned Unit Development-Commercial Center with 24 units per net acre. It also has an overlay district, a town center overlay, that was adopted back in 2001. The request to rezone property to PUD-M-3.5, a Planned Unit Development Multi-Family with 3-1/2 units per net acre. The property is known as Terra Firma Hammock, it's 13.34 acres. It is an undeveloped hammock, but it does have access to the mainland. It is north of Johnny Mercer Boulevard and just north also of Wilmington Island Townhomes and Turner's Creek. Tom Wilson's setting up the projector here so that we can show an aerial map of the property and also the zoning map.

Commissioner Odell asked, may I ask a question while he does that? In 2001 it was 24 units —, it was zoned for 24 units? Ms. Moore said, no. In 2001 the town center overlay district was adopted. The PUD-CC district was adopted back in 1991. This is the only property within the County that has that specific classification. The PUD-CC is a mixed use district. It allows various residential types of dwellings. It also allows a number of commercial types of establishments as well, including restaurants, offices, guest accommodations, such as a hotel or a motel. It would allow retail, personal service shops, things of that nature, things that you would find along the corridor of Johnny Mercer Boulevard. Commissioner Odell asked, so basically we're going from commercial to residential? Ms. Moore said, correct. And the PUD-M-3.5 is a multi-family designation. It allows single family attached, detached, condominiums, town homes, apartments, but there was a master plan that MPC reviewed. That is not before the County Commission today, only the zoning petition. At MPC though, the petitioner voluntarily agreed to limit the types of residential uses on this property to single-family attached and detached. There are 34 units being proposed; 25 of them would be single-family detached; 9 of them would be attached.

Chairman Hair said, wait a second. I'm going to call on Commissioner McMasters and then Commissioner Rayno, but I want to make a comment first. You know, I can honestly say I've been on this Commission for eight years. I've never seen a developer go beyond the call of duty to try to do a great project that this developer has, and I commend them for their effort.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, Ms. Moore, could you help me understand if the overlay district was adopted in 2000 [sic], two questions. Did that change the commercial zoning and, if not, what impact if any did it have? Ms. Moore said, the town center did not change zoning. It's the overlay district. The underlying zoning remained in place. Commissioner McMasters said, okay. Ms. Moore said, the town center essentially requires more design standards, more landscaping, more connectivity to the various commercial developments. There were some incentives for developers who —, if they would do certain things, that they could get more density perhaps, more height, and that was the purpose of the overlay district. Commissioner McMasters said, okay, and —, the last question is could —, couldn't the petitioner at any point since '93 apply for rezoning? Nothing prevented them free overlay district applying for rezoning, did it? Ms. Moore said, no. Of course, not. Commissioner McMasters said, okay. Thank you.

Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you. If the property was left as commercial and it wasn't down-zoned, would it still meet the DNR requirements that would allowed to have a bridge going across the marsh, or would it be —. Ms. Moore said, that question —, I can't speak for DNR. I don't know. Commissioner Rayno said, okay. And so you don't know if it would meet the stormwater requirements either? Ms. Moore said, well, it would certainly have to. It would have to go through all the local and state review processes. Commissioner Rayno asked, is that property considered —, pardon my ignorance because I don't know —, is it considered a stream buffer, that area? Ms. Moore asked, a stream buffer? Commissioner Rayno said, yeah. Ms. Moore said, that I don't know. I'm not really certain what that is. Commissioner Rayno said, okay. Ms. Moore said, some of these questions I'm going to have to defer to someone else.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter asked, are we just —, basically we're voting —, our vote today is whether or not to rezone this property from a current commercial status that allows 24, say, condos per acre, to down-zone to a residential zone that allows only 3.5 per acre? Ms. Moore said, correct. Commissioner Kicklighter asked, that's all we're voting on today? Ms. Moore said, right. Chairman Hair said, that is correct. It's a rezoning only, not even a [inaudible] —. Commissioner Kicklighter said, okay. I'll make a motion to approve. Commissioner Odell said, I'll second it.

Chairman Hair said, second, okay. Anybody —. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, you know, I have a feeling this is going to be a four/four vote to approve it, which means it will be denied, which means they can't bring it up for another year. So if that's what you want to do, then we can do that, but I would rather wait until we hear all the discussions and come up with some kind of compromise. Now if you want to do that, that's fine.

County Attorney Hart said, Commissioner Murray —, Mr. Chairman. Chairman Hair recognized County Attorney Hart. County Attorney Hart said, yeah. I think Commissioner Murray's point is somewhat well taken, but I was concerned about that yesterday that there could possibly be with Dr. Thomas being in the hospital a tiebreaker situation on a split vote. There's pretty good authority that when a Commission splits four/four on an issue that no action is taken either positive or negatively, there's a case that occurred in one of the other counties that has almost the exact same enabling ordinance that we do, and it involved a zoning matter in which the zoning was a four/four split and the decision was made and the Attorney General issued an opinion on it that there was no action taken and that the petitioner did not lose their right to bring the thing back. But, you know, it was such a —, I was shocked that I was able to find something right on point because it's a good question.

Commissioner Odell asked, may I ask a legal question? Can we be arbitrary and capricious in our decision making that it defies logic that we're going to do it anyway? And if we do that, potentially could that give rise to —. Strike the question. That's okay.

Commissioner Kicklighter said, Mr. Chairman, I want to remove —, I want to remove my motion. Chairman Hair said, okay. So we have no motion on the floor.

Ms. Moore said, I just want to add, I didn't actually give the recommendation of MPC. It is to rezone the property to the PUD-M-3.5 designation and also to change future land use map designations from retail-commercial to single-family residential.

Chairman Hair said, all right, I'm going to ask anybody in the audience if you'd like to speak, come forward and please sit on the first row. I'm going to ask Mr. Yellin first since he represents the petitioner and then anyone else that wants to make any comments, we'll make sure everybody has a chance. It will speed things up if you'll come forward please.

Mr. Harold Yellin said, Mr. Chairman, if you can give me a moment to switch things. Chairman Hair said, certainly. Mr. Yellin said, I'm sorry. I should have brought my teenagers to help me with this. Thank you, Mr. Chairman and members of the Commission. For the record, my name is Harold Yellin. I'm here today on behalf of the owners and the developers of Terra Firma Hammock, and with me today are Mr. David Garfunkel with A. J. & C. Garfunkel, Ed Beaty and Mark Egan, who are with Concord Development, and Alan Ward and Barry Edwards, who are with Ward Edwards Engineering. I believe that the petition which is before you today is in fact a very narrow issue and that issue is whether or not this property should be down-zoned from a commercial zoning classification, which it is, to a residential zoning classification. I am of this opinion because prior to this meeting the Metropolitan Planning Commission voted —, in fact, they voted unanimously —, to approve a site plan for this property. Even though the site plan is not before you, I would like to address some of the site plan elements if I may. As I describe the property and as I explain to you why down-zoning is appropriate, I'm not sure that it needs to be explained, but down-zoning really is appropriate for this property. There has always been a recognition that Terra Firma is different from other hammocks. When most people think of hammocks, they think of hammocks like this one [showing picture], and this is the front cover of a DNR publication. It is an isolated —, people think of isolated hammocks —, you can't get to them, you can't reach them, and these hammocks probably, and I'm going to agree with this, should never be developed. On the other hand, some of the most beautiful residential developments in Chatham County are hammocks: Dutch Island, also known as Gnann Hammock, Sylvan Island, Wylly Island, Turner's Rock, Spanish Hammock, all hammocks, all beautiful residential developments. So where does Terra Firma fit in? Terra Firma is 22.9 acres, the uplands represent 13.31 acres of high ground. This is done by a U. S. Corps of Engineers delineation, it was researched by it as recently as last year. This property is existing right now next door to commercial properties. I don't have a pointer, but as you come around Johnny Mercer there is the old Red & White, which is now the Upchurch Center, there's a CVS next to it, there's a gas station next to it —. Commissioner Murray said, it's now Marshall Plaza, not Upchurch Center. Mr. Yellin said, you're right. Thank you, Commissioner Murray, it is Marshall Plaza. It used to be Upchurch, then it was the Red & White. Gas station, movie gallery, the Piggly Wiggly Shopping Center, Islands Village. In fact, there is a commercial building located within 10 feet of our property line. I know of no other hammock that can make that claim. This property, as Ms. Moore told you, was also zoned PUD-CC. I am sorry, I thought that my Powerpoint would be a little bit larger, but I'd like to tell exactly what is permitted right now as a matter of right on this property. Hotels and motels right now permitted as a matter of right; hospitals, doctors' offices, general offices, movie theaters, bowling alleys, amusement game video arcades, food stores and drug stores, restaurants that do and do not serve alcoholic beverages; a cocktail lounge is permitted as a matter of right, nightclubs, taverns and package stores, all permitted on this property now. In the early 1990's an internal road system was built on this property. It was built with the approval of the Corps of Engineers and it was built with the approval of the Department of Natural Resources. You can actually drive onto this property. I don't know of any other hammock that can make that claim either. This road system was built long before the Islands Land Use Plan was adopted, and that is significant because the existence and location of this road system literally will frame the size and the depth of lots to be placed on this island. And there's one other item about this property I'd like you to know about, and again I'm sorry for the bad exposure that you see, but Terra Firma is connected to Johnny Mercer by an access easement. No other hammock can make that claim. It has been connected by deed since 1978, 26 years ago. Here's a copy of the recorded deed and here's another recorded deed. It is also connected to Johnny Mercer by plat. The plat was recorded in 1978 and here you can see the access easement connecting Terra Firma. Here it is again in 1979. And then again in 1998, when the CVS was built with your approval, the site plan required that they maintain the 40-foot access easement at Terra Firma. Here's a picture of that, and there's a footnote which again is too small to read, and I apologize. I will make copies next time. That footnote reads: Owner

acknowledges the right to access, ingress and egress across the 40-foot easement to the northeastern edge of owner's property in favor of the owners of Terra Firma. Where this access easement hits Johnny Mercer —, here's a picture looking in —, but where the access easement hits Johnny Mercer there's a traffic light. That traffic light was put there specifically with Terra Firma in mind, and as you look at the traffic light here you will see that there is a Publix on the left and there is a Publix on the right. Many of you have had —. Commissioner Murray said, there's only one Publix. Mr. Yellin said, I'm sorry, Walgreen's. Thank you very much. There are two Publixes, but not there. Commissioner Murray said, I didn't think we had two there. Mr. Yellin said, let's back up. That is a Walgreen's. Clearly, there's a Walgreen's there.

Mr. Yellin said, many of you have had the pleasure of working with Bill Saxman in the past. Mr. Saxman was a Senior Planner, with over 39 years experience with the Planning Commission, and back when we were looking to get a bridge permit from the DNR, Mr. Saxman wrote a letter. I've highlighted a section, which you obviously cannot read. I would like to read it into the record. Very briefly. Mr. Saxman stated that as a matter of planning, the MPC staff recommended and the MPC approved the location of a traffic light at the point where the Terra Firma access easement intersects with Johnny Mercer Boulevard. We were aware that this was the access easement that connected Terra Firma to Johnny Mercer Boulevard. The location of the traffic signal was not a coincidence nor did it just happen to be located at this location. The MPC is charged with responsibility to plan for the future and this was the logical location for the traffic signal. In large part this is why the DNR approved the bridge permit from Johnny Mercer to Terra Firma. It recognized that there has been and there have been plans to develop this property since 1978. Now in May of 2003 is when the DNR approved the bridge permit. I'm going to touch on this very briefly. It took 18 months from the time we submitted the application to receiving DNR approval and there were numerous conditions attached with that approval. One of the conditions was the down-zoning of this property to the classification before you today. Now the proposal to down-zone was not the recommendation or wasn't the original idea of DNR, it was our idea. In the 18 months that we met with DNR we thought it was a great idea. DNR's concern was, you know, you can put single-family residential right now in the PUD-CC and you can put apartments right now in the existing zoning classification at 24 units an acre, but what happens if you build a bridge and something happens and there's a hurricane and everything is wiped out. Now you have a bridge that will go some place that's commercial and DNR did not want that. So we voluntarily agreed to come to the MPC and to come to you and down-zone this property, and that's exactly what this property [sic] does. It down-zones from 24 units an acre to 3.5 units an acre. This density is actually 30% less than the R-1, which is the dominant zoning district you see in the County. In addition to eliminating commercial uses, it eliminates commercial consequences. It eliminates the traffic and the noise and the litter and parking lots and paved surfaces and lighting, the things that you don't want to see on a commercial development. In addition to agreeing to down-zone this property, we agreed to restore an area that was formerly a wetland back into a wetland. DNR asked for it, we were more than happy to agree to that. According to our engineers —, and they're here, they can talk about this —, this restoration plan reestablishes a hydraulic connection, this plan improves stormwater management. We also agreed —, there's a spoil berm area located between our property and the CVS store, and originally the Corps of Engineers asked us to destroy that area because it was a spoil berm, but because we've held this property for so long, it has become naturalized. It has trees on it now and there are songbirds and there are wading birds on that property. We voluntarily agreed to place it in conservation easement. We thought it was a good idea not to destroy it and to keep it as it is, and for the privilege of doing that we actually had to pay \$7,000 for the privilege of not tearing up the berm. And this is the Corps approval allowing us to keep the berm along with a letter from the Georgia Environmental Policy Institute accepting our check and there is our check.

Mr. Yellin said, we also agreed to submit a monitoring and vegetation plan to DNR. We also agreed to do a national heritage inventory, which by the way has already been done. We agreed to utilize municipal water and sewer. There will be municipal sewer, there will not be septic on this property, and we agreed to develop a low impact plan. So what we have before you —, and I'm sorry to be going into the site plan issues because I don't think it's before you, but there's a need to discuss it, so I won't you to be aware. In addition to restoring a wetlands, in addition to dedicating a spoil area, petitioner has agreed to grass pave all of the driveways for all lots to reduce impervious surfaces, all the cul-de-sacs will be landscaped, the neighborhood will have a master water quality basin, a bulkhead will be built where necessary, not in the marsh where everybody else does it, but on the upland side of the marsh to avoid siltation into the marsh. We've also agreed to do what's called back to front construction, and our engineers are here who could explain that. Back to front construction allows for water not to go into the marsh, but common sense the water rolls from the back of the property to the front of the property and into the streets where it's collected. Open space was asked earlier, open space will be 30%. That number doesn't really give you the full flavor of this because actually if you counted the area that's under private ownership that will remain open space, our open space calculation is a staggering 47%. You would include what you see in grey and what you see in yellow. I'm not sure that anybody else could quite come up with those kind of standards.

Mr. Yellin said, I attended the community meeting along with several of the Commissioners on Wednesday night and with the exception of one gentleman who sat next to me, I think it's pretty safe to say that most of the folks were in agreement that the property should be down-zoned, although one guy did say he didn't want it down-zoned. I think that was the minority view. The biggest issues seem to be why did the MPC grant the variances and the answer is really very simple. The variances granted by the MPC were designed to maximize distance to the marsh. This plan originally required 50-foot right-of-ways. That's what your ordinance requires is 50 feet. You'd like to have 50 feet in case the neighborhood goes into another area and another area. This property only serves 34 lots. There's no reason to have 50 feet. It was reduced to 40 feet so the extra 10 could be added to the marsh. A front yard setback was given, the thinking being the closer the house to the front street, the farther away it is from the marsh. So this would be more like an Ardsley Park development where the houses are closer to the street not way in the back by the marsh. And, lastly, your County ordinance requires sidewalks on both sides of the street. We have lots only on one side of the street. The MPC suggested, not our suggestion, why put concrete sidewalks on two sides of the street when you only have houses on one side. Save that material, keep it green, and that's what we did. And these three items by the way, right-of-way and front yard and sidewalks, aren't part of the Island Land Use Plan. That's just County

ordinance kind of things. The Islands Use Plan does, however, talk about marsh setbacks, and let's get right to it. I'm sorry it's taken me a while to get right to it, but let's get to it now.

Mr. Yellin said, the DNR requires only a 25-foot setback. That's state law. It is a no-build area. The Islands Land Use Plan on the other hand, adopted a 50-foot building setback and it does not apply. This is very important. The 50-foot buffer does not apply to lots of record as of November 2001. That's in your Islands Land Use Plan. Terra Firma right now is one lot of record and if this property should be developed commercially only, it does not need to go to 50 feet. It can go to 25 feet under the existing ordinance. For example, in 1995 the owners were approached —, I'm sorry I couldn't put this on Powerpoint because it's too large. In 1995 the owners were approached about putting an apartment complex, which is a permitted use as a matter of right under the PUD-CC, this project which would require no variances under the Islands Land Use Plan is 224 apartments, 377 parking spaces, permitted as a matter of right. This is approximately five times the density that we're asking for today, and so that is why recognizing all of these factors, and it wasn't maybe one factor that I think carried the day, but it's the cumulative effect of all of the factors. The MPC did approve a marsh setback that varied and it was not a wholesale cutback from 50 to 25, as was reported inaccurately, because some of these lots actually had 85 feet of marsh setback and fully complied and some do not. Some are under, some are over. The MPC approved the marsh setback recognizing that there was a preexisting road, recognizing that every effort was made to maximize marsh setback and recognizing the overall benefit of this plan. This master plan was looked at by the DNR and DNR found —, and again I'm sorry you cannot read the highlights —, DNR found, and I will quote, "Petitioners have done a commendable job of maximizing the available marsh buffer." DNR also found that the petitioners have gone the extra mile to ensure that Terra Firma will be developed in a sensitive manner and that it will protect coastal marshlands. Now these are DNR comments, not MPC, not mine. DNR is the agency who has been given the authority and responsibility of marsh protection, and those are their findings.

Mr. Yellin said, I'll conclude. I think I've been up here too long and I'm getting to the point where I'm beating a dead horse. Mr. Hair, if I can just conclude for a minute. We are mindful there are some people and some groups that do not want to see this property developed at all even though it will look and feel like Dutch Island and Wylly Island and Sylvan Island and Turner's Rock and Spanish Hammock, and nothing that I can say or do is going to change their mind. Not today, not tomorrow, not ever. The rallying cry seems to be the Islands Land Use Plan is like a Bible that cannot be changed and that no variances can ever be given from the Islands Land Use Plan. And I would submit to you that the Islands Plan, like every ordinance, permits variances and the variances today were approved unanimously by the MPC. So before you today is simply the down-zoning component which will down-zone this property from a PUD-CC, 24 units per acre with all of the commercial uses I've described, to a PUD-M-3.5, residential, no commercial uses permitted. The very clear message that I received from both the MPC and the DNR is eliminate commercial uses from this property, eliminate commercial consequences from this property and that's what this down-zoning does. We would respectfully request that the MPC decision, which was unanimously approved, also be approved by you. And we'll be happy to answer any questions that you have.

Chairman Hair said, thank you, Mr. Yellin. We'll get questions to you first and then we'll hear from anybody else. Chairman Hair recognized Commissioner Rayno.

Commissioner Rayno said, thank you for taking the time to explain to me personally down at the MPC your side of the story and for coming out to the meeting on Wednesday night. I know you've spent a long amount of time trying to push this project through, and we do appreciate that. Mr. Yellin said, thank you, sir. Commissioner Rayno said, you said that this property has access by road and it's been since the 70's. Is that correct? That's a little loop road that looks like a horseshoe going around. Mr. Yellin said, this road was built in the mid-90's with both Corps of Engineers and DNR approval. It is very unusual —, I'm not sure I know of any other hammock that has this preexisting road which frames the island. The answer is yes sir. I'm sorry. Commissioner Rayno asked, was there a gate that prohibited people from driving out there or could anybody get out there if they four-wheeled out there or whatever? Mr. Yellin said, that's an interesting question. We've had a gate and we've had wire across the way. Many a teenager at Wilmington Island uses this property for, I guess, recreational purposes and I suppose that would come under the category of trespassing. We put a gate up and they take it down, we put a wire fence up and they take it down. Chairman Hair said, talking about recreation now, Mr. Yellin. Mr. Yellin said, well, I don't think this is thought of as a Chatham County Recreation Department, but in all seriousness it's an issue for us because we're trying to keep teenagers off the property. Commissioner Rayno asked, is it possible contractors could have went in there and dumped paint buckets or old construction materials to use it as kind of a landfill? Mr. Yellin said, no. Commissioner Rayno asked, they didn't want to go pay tipping fees? Mr. Yellin said, I have been over the last several years over every square inch of this property. We would be aware if anybody did that and I know that that has not been done. I'll tell you what has been done. We have people poaching palm trees. In fact, I called the Chatham County Police Department and it's documented. I was actually out there when I put the zoning sign and I have the black and blue thumb to prove that I'm an attorney and not a carpenter. While I was out there putting the zoning sign up a truck went out there with the intention of taking palm trees down because I guess they have a great market, and they were loading up and taking palm trees off of this property. We watch this property very carefully and there is no landfill on this property. It is mature trees. It has never been a landfill. I'm certain of that. Commissioner Rayno asked, so you've done the due diligence of taking soil borings and looked for methane gas? Mr. Yellin said, the developer has done some soil compaction tests. You'll have to ask them. Certainly if there is a landfill, which there's not, obviously we couldn't do it, period. That's a given. We could not build. Commissioner Rayno said, I'm not sure of your answer. Have you —, yes or no —, have you looked for methane gas on the property? Mr. Yellin said, I have not personally looked for methane gas, but I'd also like to respond procedurally by saying that your vote today at a later point in time when specific plans go back to the MPC and when your County Engineering Department reviews our plans, I believe that is in fact by law now a requirement that we submit a certification that there is no landfill on the site. But your suggestion it needs to be done would simply be loading up some up front requests that aren't done until later on. I'm comfortable the answer's no, but at some point in the process clearly that is done. Commissioner Rayno said, well, one of the things about soil borings, isn't it true with a wet retention pond, I believe that's what you're going to use to filter the water out, the stormwater. Is that correct. Mr. Yellin said, I will defer that question to the engineers and, if

you'd like, I'll let them come up and address any and all engineering questions. Commissioner Rayno said, okay. One other question before I talk to the engineer. Mr. Yellin said, certainly. Commissioner Rayno asked, did you do any borings to check for [inaudible] organic chemicals on the property that might cause cancer? Mr. Yellin said, do we require this of all property owners or just the —. Commissioner Rayno said, I'm just asking. Mr. Yellin said, the answer is to my knowledge no, but I'll defer to the engineers but I'm beginning to wonder if we are not setting a higher standard that we're not —, I just heard about —, Mr. McMasters talked about several homes on 60 acres and we're talking about the bond requirements. I think —. Commissioner Rayno said, I believe that Weatherwood gives us an opportunity and an obligation to the citizens of this community to ask these questions about landfills on property because if I had sat on the County Commission back when Weatherwood was being developed, I'd be asking the same questions then that I'm asking now. Mr. Yellin asked, do y'all ask all raw land developers these same questions? I just want to make sure and, Mr. Rayno, I understand your questions. I want to make sure that all property owners are treated fairly and consistently. Commissioner Rayno said, I would think that you'd want to know the answers too because if [inaudible] litigation would come back and fall on your lap. Mr. Yellin said, if it's there, we can't build and if it's there we will not build. That's how comfortable I am that it's not there. That's how comfortable I am. Commissioner Rayno said, I just don't think it's a threatening question. Mr. Yellin said, oh, no. I just want to make sure that —. Commissioner Rayno said, protecting the fiscal interest of the County. Mr. Yellin said, a lot of subdivisions come before you and those subdivisions are all required to do the same thing, and we will do the exact same things that are required of this subdivision as you require of all subdivisions. And we'll —.

Commissioner Murray said, Harold [Yellin] —. Mr. Yellin said, yes sir. Commissioner Murray said, just a minute. To address that, Commissioner Rayno, the County Manager, the County Engineer and myself have walked that property and the time we walked that property there was no evidence that there's a landfill or been used for a landfill. Now to say that something can't be underground, you know, that's possible, but there's no evidence, visible evidence that it's been used as a landfill to my knowledge.

Commissioner Rayno said, okay. Mr. Yellin said, thank you, sir. Commissioner Rayno asked, can I ask the engineer questions about the wet retention pond? Mr. Alan Ward said, good morning. I'm Alan Ward, President of Ward Edwards. I'm a registered engineer and my specialty is environmental engineering. I'd be happy to address any questions that you might have. Commissioner Rayno said, okay. You're going to use a wet retention pond, is that what you're going to use? Mr. Ward said, that's correct. Commissioner Rayno said, okay. And are you using sedimentation for the removal of the pollutants or are you going to use the other method? Mr. Ward said, sedimentation. Commissioner Rayno said, sedimentation. Mr. Ward said, as opposed to what? What —. Commissioner Rayno said, [inaudible] or something like that. It doesn't —. Mr. Ward asked, centrifugation? Centrifugal removal perhaps? Commissioner Rayno said, no. All right, now the question is when you build a wet retention pond, aren't you required to do soil borings underneath that particular area to make sure you don't have bedrock or you check the permeability of the soil. Have you done that? Mr. Ward said, we will generally —, we have not. It's premature at this time, but we will during the design process. Commissioner Rayno said, well, we were told the other night at the meeting that the area of the retention pond was specifically going to be at a certain spot and you've already got —, you've spent a lot of money on your design already and it shows where that retention pond's most likely going to be, but you haven't done any kind of analysis as to whether or not there's bedrock underneath there or whether or not the permeability of the soil is adequate. Mr. Ward said, well, we know from our experience in this area generally what the permeability is going to be and it's not going to vary significantly across a site like this and we're not going to find bedrock. Commissioner Rayno said, but could there be an anomaly that you don't know about? Mr. Ward said, not to the extent that it should affect the design of the stormwater facility. We feel comfortable based on our experience that that area would generally be appropriate. Commissioner Rayno said, this back to front design that you've used, is it used anywhere in the State of Georgia on any hammock that you know of that's been successful? Mr. Ward said, I think one of the misunderstandings perhaps about the back to front —, I wish I could claim this particularly innovative approach, but we're just mimicking in this design approach the natural condition in this part of the world. What —, so the best example of this back to front design approach is the or undeveloped existing tracts that you see all over coastal Carolinas and Georgia. Commissioner Rayno asked, has it been used any place in the State of Georgia on a hammock that you know of successfully? Mr. Ward said, I don't —, nothing that I can draw —, that I can identify directly, but I can think of untold numbers of marshfront residential applications for this kind of drainage, you know, grading design technique. Commissioner Rayno said, but none in the State of Georgia. Mr. Ward said, I'm sure there are. A perfect example —, I can't as I stand here site that for you, but a perfect example is it's a frequent practice to establish at the outset of a subdivision design a buffer of some sort for a residential lot. You might have 600 lots in a subdivision and you establish a broad buffer category for all of those residential lots. As you go in to locate a home on those lots, you may find that a significant feature on a lot, such as a tree, a large oak tree or something else that we may want to preserve, causes you to want to make an adjustment to that buffer line so that you can save that tree. If the tree's on the front of the lot, maybe you want to move the house back towards the back of the lot towards the marsh. And we frequently then grade those residential lots so they'll drain away from the marsh allowing the water to percolate into the ground in the yard area or in the common area of the subdivision prior to getting to the marsh. And back to my earlier point, the inspiration for this really is the natural environment. In our part of the world, as y'all know, we have very limited topography, very flat terrain. The hydrologic cycle as it operates rain falls on the upland area, some of it makes it way directly into the marsh. A lot of it infiltrates into the ground and recharges the marsh area as groundwater and some of it runs off into tributaries and so forth that —, marsh fingers that stick up into the upper areas. So what we're trying to do with this design is to direct water away from directly entering the marsh and return that to a more natural pattern of the —, for the turbohydrologic cycle. Commissioner Rayno said, sometimes when you use sedimentation what happens is birds or other animals tend to move into that particular water retention pond and make it their home. Who is going to be responsible for the cost of the bio assessment for a period of time if this should happen? Mr. Ward said, to my knowledge that's not —, that's not a requirement at this time, you know, that there be bio assessments. Commissioner Rayno asked, it's not a requirement? Mr. Ward said, it is a requirement that those facilities be maintained and the —. Commissioner Rayno said, yes, but let's say a bald eagle moves in there and then they can't do the sedimentation removal that they're supposed to do, where's your stormwater going to go? Mr. Ward said, the maintenance required on these ponds is relatively limited and I suppose in the extreme eventuality

that a bald eagle were to move into the area around the pond, we wouldn't disturb him when we went in to, you know, to do the routine maintenance on the pond. Commissioner Rayno said, we were going to stop the whole Truman Parkway because of a bald eagle. You say we can go in there and start moving sedimentation from the little thing —, you think we can get away with that? We couldn't build a parkway. Mr. Ward said, let me let Mr. Edwards address that because he is the bird expert. Commissioner Rayno said, okay.

Commissioner Odell said, there are no bald eagles out there.

Mr. Barry Edwards said, that is correct. For the record, my name is Barry Edwards. I'm one of the principals of Ward Edwards. I'm registered as a professional [inaudible] scientist. Specifically in the case a bald eagle, while I think it would be farfetched for a bald eagle to take up residence in an existing residential neighborhood, you obviously cannot rule it out because it would be a natural occurrence. In such a case you would normally coordinate with the U.S. Fish & Wildlife Service, Georgia DNR, and you'd arrange to conduct the necessary preventative or regular maintenance activities during a noncritical season, which would typically be, say, you would avoid the nesting season when they've got young in the next. But such things are routinely carried out in case of where you've got a threatened or federal endangered species that moves into an area and is co-existing with humans. So I hope that addresses —.

Commissioner Rayno said, I would argue —, I would argue with your assessment about a bald eagle who once set up a nest in that K of a K-Mart one time and also I'm sure nobody thought that a bald eagle would set up in the middle of a road construction project and made routine —, they routinely set up nesting where the shuttle launches off all the time, so they're not easily that scared. Mr. Edwards said, no, no they're not, but there are key elements, there are key times when you want to conduct any kind of activities near a nest like that so that you minimize disturbance. I mean, that's a common practice. You're right, you wouldn't expect a peregrine eagle —.

Commissioner Kicklighter said, point of order. This is speculation of something that could happen in the future and it really just don't —. Chairman Hair said, it's beyond —. Commissioner Kicklighter said, — in my opinion apply to this topic. I mean, what if a bald eagle landed and built a nest on your chimney, are you going to have to tear your house down? I mean, you know, it's just speculation. Chairman Hair said, well, it's stretching. Commissioner Kicklighter said, we need to move —. Chairman Hair said, I'm trying to be very lenient here with the questioning, but I do think we need to move on with it, Commissioner Rayno. Try to make your questions as germane to this issue as you can. I think speculation of what might happen years from now is not germane to the issue. Mr. Edwards said, there was an —. Commissioner Murray said, [inaudible] the audience. Chairman Hair said, well, that's what I'm saying. You're not going to hear that as long as Commissioners dominate the discussion. I think we need to hear from the citizens.

Commissioner Rayno said, so you're saying that you will not assume any bio assessment costs in the future. Are you going to ask the County to bear those costs? Mr. Yellin said, Mr. Rayno, let me respond. There's already been done —, a threatened and endangered species survey report has already been done on this island, as required by DNR. There are no bald eagles although I'm tempted to bring one to this courthouse so we have to tear this whole place down, so I guess —, you know, there's the issue of what-itis. What if? What if you put something here and put something there? I've never know this Commission to act upon the what ifs that we're being put to today. These —, or we can institute a moratorium and say no development of any raw land every again in Chatham County because a bald eagle could go there or there could be an assessment need there. This is a piece of property, without beating this dead horse, that has been sited for development since at least 1978 when access easements were put to Johnny Mercer and it's a totally unique piece of property. I understand the questions and the questions you're asking I do understand to a point. Commissioner Rayno said, my concern is you have an unscientifically, unproven thing in the State of Georgia. I doubt you did two dimensional modeling to see whether or not it's going to work or not and I'm concerned about who's going to bear the cost of bio assessment in the future. Are you? Mr. Yellin said, number one, we do and, number two, we're here to down-zone the property and we're not done. Even if you down-zone this property there are still specific engineering drawings required to be submitted to your engineering department and if those are the kinds of things that worry you, you know, we can certainly add them to the list. But to do it now when the very simple narrow issue before you is should this be zoned commercial or should this be zoned residential —.

Chairman Hair said, Commissioner Rayno, I'm going to kind of restrict —. Other people want to speak. Commissioner Rayno said, I'm done. I'm done, Mr. Hair. Chairman Hair said, well, thank you. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, and I know there's a lot of people that want to speak on this so I'm going to try to make this really quick. Mr. Yellin? Mr. Yellin said, sir. Commissioner McMasters said, thank you for attending the public meeting the other night. Mr. Yellin said, likewise. Thank you for attending. Commissioner McMasters said, I want to go on record as applauding the extra efforts that appear to be conceived and put forth in this concept, but I have a question —. Mr. Yellin said, thank you, sir. Commissioner McMasters asked, at the meeting the other night do you remember when one of the MPC commissioners, and several were there, one of them —, I think it was Mr. Manigault —, stood up and said, "I can't believe there's over a hundred people here." Do you remember that comment? Mr. Yellin said, oh, absolutely. Commissioner McMasters said, and further he said, "Why did —, we only had a handful of people at the MPC when we were discussing the variances." Does that —. Mr. Yellin said, that's correct. Commissioner McMasters said, okay. What is your under—, with regard to the notification requirements of surrounding property owners, and I understand this is about 170 in the adjoining condominium project, if I understood the meeting correctly do you really feel that mailing one letter to the association president was the fairest and best way to communicate to the property owners of the MPC hearing to discuss variances? Mr. Yellin said, thank you for giving me the chance to answer the question. Commissioner McMasters said, sure. Mr. Yellin said, we didn't just send a letter to the association president. We sent a letter to all adjoining property owners within the linear foot requirement. We met every requirement of notification and due process and, in fact, what's interesting about this petition, everyone got two, not just one. When I went to pick up the sign for this particular meeting, inadvertently the sign read April 23rd, and when I got that sign I went, "Oh, my God, that can't be right because it's either the 16th or the 30th." Notices had

already gone out advertising this meeting for the 23rd. Everyone who was required by law to get noticed got a second notice that said, "Correction. This is now happening again." So I guess my point to you is absolutely, sir. You know, if you're telling me that every time a zoning petition comes up that we should notify people who are not required to receive notices, I don't know where to begin and end. Should I notify people who live in Old Towne? Should I notify people who live at Tybee? Commissioner McMasters said, Harold [Yellin], we're talking —, this is in the context of surrounding, the media, as described by the ordinance. Mr. Yellin said, yes. Yes sir. The surrounding —. Commissioner McMasters said, there was a table to the left side of the room as you face the front of which were seated probably 30 or 40 residents of that adjoining properties and Mr. Thomson asked the question, "How many people received notification?" How many people raised their hands? Mr. Yellin said, I don't know the answer to that question. Commissioner McMasters said, I'll give you the answer. It was one. Now somebody's —, either those 35 people, Harold [Yellin] —, you know where this is going —, either those 35 people are mistaken by design or by default or wherever you mailed all those extra notices didn't get to the right spot. One more question on this site. Mr. Yellin asked, can I answer the question? Commissioner McMasters said, if you wish, sure. Mr. Yellin said, you're assuming that everybody that raised their hand was supposed to get notification. Commissioner McMasters said, they all represented themselves as homeowners in the condominium project adjoining the property. Mr. Yellin said, but they're individual homeowners, there are probably 200 —, in fact, they are probably a homeowner's association that looks like this project 25 feet from the marsh because at the time that was the buffer requirement, and we sent notifications to every property owner who was an adjoining property owner together with the homeowner's association. We did everything required by law. Now, I want to also make one last comment. Yes, there were people who raised their hand, Mr. McMasters, you're right, who wished that they had got notice and didn't. There were also people who came up to me after that meeting and said, "Mr. Yellin, how come we didn't know this was zoned commercial? It hasn't made the papers. No one's told us that. We had no idea that this property was commercial and all those bad uses could be done." Commissioner McMasters said, yeah, well, that's another subject, Harold [Yellin]. There's a lot of people that want to talk about this. The point is, and I think we can condense this down, if there's 170 property owners adjoining this property and 35 or 40 that were there that night raised their —, only one raised their hand, I can presume that the other 130 got it and they just didn't happen to show up. That's entirely possible. Chairman Hair said, they may not have a problem with it. Commissioner McMasters said, well, that's entirely possible, but the facts that we do know is that of the 35 or 40 property owners adjoining this site, one got notice and it happened to be the president of the association.

Commissioner McMasters said, let me ask then about posting of signs notifying residents, and I guess that's the other fashion in which we notify the public of our process —. Mr. Yellin said, yes sir. Commissioner McMasters said, — of discussion at the MPC. How many signs did you post? Mr. Yellin said, I posted one sign. Commissioner McMasters asked, and where did you post that one sign? Mr. Yellin said, the only place I could, which was on our property right next to the Driftaway Café, which is at the end of the shopping center. Commissioner McMasters said, so it's the back of the —. Commissioner Murray said, that's the only access into the property right now. Mr. Yellin said, anywhere else it would not be seen. If I had put —, if I could go up to the screen. If I had put it here [indicating], nobody would have seen the sign. I put it here [indicating] on our property to give the best opportunity to be seen. Commissioner McMasters asked, did you —, were you aware that the County recently changed its sign posting ordinances for such hearings to conform with the City of Savannah's sign posting ordinance. Mr. Yellin said, I picked up a sign and I posted it where I thought it should go where it would —. If it has to be on my property, I can't put it on somebody else's property. Commissioner McMasters asked, do you know if you were consistent with the recent revision in posting requirements? Mr. Yellin said, show me the revision and I'll be happy to give you my opinion. Commissioner McMasters said, okay. Then I'll ask that staff provide you with the most recent version of that and we can discuss that —. Mr. Yellin said, I'll be happy to have an ongoing discussion with you. Commissioner McMasters said, thank you.

Chairman Hair recognized Commissioner Odell.

Commissioner Odell said, the problem with this project is you might have a bald eagle that might move there sometimes in the future. You may not have complied with the sign posting. I think we've got a problem with this project. Obviously some people are going to be upset with it, but I think everything that could have been done it appears that this landowner has done. Unfortunately, there's going to be development there, and a development there, and I think Harold [Yellin] and his group have made an effort to comply and bend over backwards and answer some questions which are very interesting to say the least. I realize that this is in Frank's [Murray] district, but I also realize that property owners have rights. I think this property owner has complied with the law and I really am concerned about our being arbitrary and capricious in our decision making, and I'm not willing to go along with an arbitrary and capricious decision simply because it may not be popular, a few people might get upset. That's unfortunate, but I think the project should be approved.

Chairman Hair said, okay. Thank you, Mr. Yellin. I'll call on —, ask any questions of the audience, and I am going to ask you in the interest of time take what time you need, but try to be as brief as you possibly can and make your points please. Identify yourself for the record, sir.

Mr. Davidenko said, my name is Craig Davidenko. I'm a local realtor on the island and me being in the real estate business, it's —, it's a point for me to sell developments and sell homes. That's where I make my living obviously, but when I learned of this project red lights went up everywhere, and I'm going to show you some pictures of this hammock that I took yesterday, and before I start showing them —, are you going to roll it? Yeah. When you start seeing these pictures, you'll notice that —, you're going to see the sign posted here for the zoning, which was —. The only people that would have seen this sign are people that take their dry cleaning to Dirty Harry's or somebody that was having dinner and parking in the gravel parking lot of Driftaway Café and that was the only posting of it. It wasn't posted next to the intersection that they propose to put a 335 foot bridge on by CVS Pharmacy where there's a lot of traffic, where there's an intersection where people would have been able to see it. So this was very disturbing to see. When you go back and travel on this road, you'll see that the road is obviously very bumpy, it's the only high point of the island, and if you step off the side of that road, then you obviously go down in grade and you can watch the crabs crawl back

into their —, that tells me that obviously there's a lot of water there and besides the water there's a lot of marsh area and marsh grass that you can see. So everywhere where you pull off this road you can see marsh grass, you can see crabs going back into the earth. Okay, so that says that there's a lot of water there, that says that number one we're forgetting about what this is. It's a hammock, and I did a lot of research last night until two in the morning to research hammocks and I looked it up on the internet and there's not one article that I researched that said it's a good thing to do is build on a hammock. They all viewed hammocks as a natural treasure and these pictures will show you that this is a marsh hammock, and I urge you to go back and look and investigate and find me an article that says it's a good thing to develop a marsh hammock, no matter what the zoning is. So what I'd like to do is, and I have a bunch of articles —.

Chairman Hair said, Commissioner Kicklighter has a question. Commissioner Odell said, may I ask just one before —? Chairman Hair said, yes and then —. Commissioner Odell asked, does that fall under the heading of so what? They have the right to build. Mr. Davidenko said, they have the right to build. It's under a zoning though —, it's under a zoning though, sir, that —, a zoning that was done many, many years back and it —, this administration, if you will, approved Emerald Pointe to put bridges over [inaudible] Emerald Pointe to three hammocks and that brought up a national outrage. So let me read you a story —. County Attorney Hart said, that is an inaccurate statement. Chairman Hair said, I don't know anything about a national outrage, sir. Where's the national outrage? Mr. Davidenko said, I've got printed articles off the internet, and let me just read you something I put together and then I'll.

Chairman Hair said, Commissioner Kicklighter has a question. Commissioner Kicklighter asked, you're a real estate —? Mr. Davidenko said, yeah. Commissioner Kicklighter asked, — broker or whatever? Mr. Davidenko said, broker. Commissioner Kicklighter asked, so do you understand real estate laws, real estate rights? Mr. Davidenko said, I do. Commissioner Kicklighter asked, do you understand if you have a piece of property you have the right to develop it if the government says you can? Mr. Davidenko said, and I understand rezoning as well. Commissioner Kicklighter asked, but do you understand that right this second they could build 200 condos on that property without —? Mr. Davidenko said, it would have to pass MPC, correct. Commissioner Kicklighter asked, okay, what do you want built on that site? Mr. Davidenko said, if we were out there holding this meeting on that site right now, you would realize that the zoning that's in place right now is wrong. It's incorrect. Commissioner Kicklighter said, that's not my question. My question is what would you like to see built on this site? Mr. Davidenko said, nothing. Commissioner Kicklighter said, okay. That's not going to happen, sir. This is the United States of America and they have property rights and something is going to go on there. Mr. Davidenko said, and let me just read this and then I'll call it a day. Commissioner Kicklighter said, and let me finish my comment, if I could. Something's going to go there. If you buy a piece of property, thank God we live in the United States where you have the right to develop it or no one would own property, and something's going to go there. You've seen it time and time again, be careful what you ask for, the people that oppose this particular development because, by God, you may get what you asked for. It may be denied today, and tomorrow you may have 200 nasty looking apartments sitting there with traffic flowing in and out because they have the legal right to do that. They have the legal right right now. This group has bent over backwards to try to build something nice in that area that will blend with 34 homes. That's a minimum amount of traffic, and it's not going to get better. And my guess, and I'm not a psychic and I have no crystal ball, if somehow this prevails, these people will be back with 200 condos and then you're going to have your outrage, but I agree in that area we don't need that amount of traffic in that area, but 34 houses —. Mr. Davidenko said, you agree that that traffic there with the commercial zoning would be inappropriate. Commissioner Kicklighter said, yes sir, absolutely. Mr. Davidenko said okay.

Chairman Hair said, let me ask you a question. Mr. Davidenko said, yes sir. Chairman Hair asked, did you take these pictures yesterday? Did I understand that right? Mr. Davidenko said, yeah. Chairman Hair asked, did you go out on this property, sir? Mr. Davidenko said, yeah. Chairman Hair asked, did you have permission to trespass on this man's property? Mr. Davidenko said, it should say no trespassing, there was no trespassing sign. Chairman Hair said, just checking. Mr. Davidenko said, yeah, and I've been out there several times. Chairman Hair said, just checking. Mr. Davidenko said, several times.

Mr. Davidenko said, so let me just read something I've put together and I think this will take the harsh —, of the way that most of the community perceives it. As Martin Sheen said in the movie "Wall Street," greed for a lack of better term is good. While it seems —, while that seems to be the understanding regarding the development of hammocks here in Chatham County, the MPC is given into greed. Approval of the development of another hammock in Chatham County opened the door for a national debate and is of great controversy. *Scenic America* identified marsh hammocks as one of America's most endangered landscapes yet here we are today to discuss the plans to build yet another marsh hammock. The proposed builder of this development prides himself from being raised on Wilmington Island. Well, it seems as if his pride has been put aside for greed. I wonder if the MCP has researched anything about marsh hammocks. I did last night until 2:00 a.m., this morning, and found no positive article about the development of marsh hammocks. Most all the articles told of marsh hammocks as being a great treasure to protect, but today we are willing to let this treasure fall into the hands of greed. We have a responsibility to make life better for everyone. We all today enjoy the great beauty Savannah holds, but that great beauty will dissolve through the passing of developments like this. Our children can then learn about what hammocks were in their science classroom. Let's take a step back, take a deep breath and realize what we're doing. Thank you.

Chairman Hair said, thank you for your comments. Commissioner Rayno said, point of order, Mr. Hair. Chairman Hair said, certainly. Commissioner Rayno said, I would hope that my fellow Commissioners would show the respect of this people who have paid their parking fees and sat through our meeting to at least listen to them and not talk amongst themselves in conversations, which I've been chastised for in the past, and I hope that when one of Mr. Odell's constituents comes up to the microphone that I would never treat them the way that he treated this gentleman, regardless of whether he agrees or disagrees with him. Commissioner Odell said, let me ask you, have you taken over the fourth district? Commissioner Rayno said, actually as a matter of fact, through reapportionment I've got about half of it now, Harris [Odell]. Commissioner Odell asked, so this is part of your district? Commissioner Rayno said, it

affects people out there and the Islands Use Plan —. Commissioner Odell said, I understand that it affects people. I understand that I have a right to ask questions. If you don't like the questions that I ask, I don't care if you don't like them. Commissioner Rayno said, I like the questions you ask. I don't like the tone which you take with a person —. Commissioner Odell said, I'm not here to please you. Chairman Hair said, I'm going to have to —. Commissioner Odell said, I don't care if you like my tone.

Mr. Wickwire said, my name is Bob Wickwire and I live on Whitemarsh Island and I have a couple of things to do, one of which I was handed just a few minutes ago, and then I'd like to make a statement for the record and then a couple of observations, and I'll try and be as quick as I can. David Kyler, who is Executive Director —. By the way, before —. Chairman Hair said, that letter's already been entered into the record, sir. It's already been entered in the record. Mr. Wickwire asked, it has? Chairman Hair said, yes, it has. I entered it. Mr. Wickwire said, terrific. Chairman Hair said, you don't need to read it, sir. Mr. Wickwire said, it makes some good points and I think everybody should read it, but I'll defer. Okay, and I should say after listening to the person that preceded me in addressing Harold [Yellin] and his group that he should be shocked to understand that a number of us on Wilmington Island are really not —, are not taking the position that nothing will be built on that island. We're just merely asking that the development be built within the confines of the Islands Land Use Plan, and I will speak to Mr. Kicklighter now, who as I understand it has a group that's starting the land use process, and we've been through the Islands Land Use process, Southeast Land Use Plan. We fully understand that these are not cast in stone and that variances will be granted, but if you will sit back after this process is completed and reflect on what's happening before our very eyes with respect to the two land use plans, bear that in mind when your group puts together their land use plan and then see how you feel when it's —, before your very eyes it's being turned to tissue paper. Now —. Commissioner Kicklighter said, I thank you on that and want you to know that I do respect your opinion and I can respect that you oppose the current plan, but I just really don't appreciate an opinion that nothing will be built there. Mr. Wickwire said, well —. Commissioner Kicklighter said, so I do appreciate people want to uphold the current land use plan. I do respect that opinion. Mr. Wickwire said, and we realize —. Commissioner Kicklighter said, but it's just not a reality of what the prior gentleman said that nothing's going to be built there. Mr. Wickwire said, well —. Mr. Davidenko said, and that was my —, I would hope —, that was my wish. It's not going to happen.

Chairman Pro Tem Murray said, excuse me just a minute. Please, he has the floor and I would appreciate it if you'd go ahead and —. Mr. Wickwire said, I'll try and finish up here. Commissioner Murray said, — so we can move this on.

Mr. Wickwire said, yeah. We are reasonable people and we do expect that development will take place and we just want it done the correct way. The fact remains that there are so many questions that remain to be asked and be answered, including the heritage inventory that has not been submitted to the DNR that we think it's prudent to honor Marianne Heimes' initial request at the MPC meeting to delay this so that some of these step, like 5,000 feet of bulkhead and the runoff designs can be studied and then if the facts are that they're all as positive as Harold [Yellin] believes they are, then obviously this development is going to be built. Having said that, and I'm through, I want to say just for the public record that we reserve our right to constitutional challenges. Okay? We believe that the approval of this project will create a taking of our constitutional rights and we also believe, oh by the way, that this group will act in the public interest and hopefully at least delay the approval of this project until the MPC has an opportunity to study it further. Thanks very much.

Chairman Hair said, thank you, sir. Next.

Mr. Will Berson said, good morning. My name is Will Berson. I'm a staff analyst with the Georgia Conservancy and judging by the *Savannah Morning News* I've expended a few of my 15 minutes. I'd like to clarify some of the things I've heard today, but first I'd also like to clarify that our comments, my comments that were recited in the newspaper were directed to address what I consider to be inconsistencies. They were not intended to criticize either Mr. Thomson or the MPC, with which we've enjoyed a productive relationship for years and we hope that can continue. The reason the Georgia Conservancy is involved in marsh hammock development in the first place is that this is an ongoing statewide issue. The reason that there are permanent conditions that this applicant has to deal with is because in order to develop his property he has to take property that belongs to all of us. As a result, there are special conditions that are required. In addition, his property by virtue of its marshfront border has a far greater potential to impact the public natural resources than your average piece of property. So putting that into context, I'd like to correct —, I think it was suggested that groups such as mine oppose development of Terra Firma. We have never opposed development of Terra Firma. We simply said it's not a matter of whether but how, and when you're looking at developing sensitive waterfront property or marshfront property, scientifically the best approach is to use maximum buffers possible and not to regrade the property to rework the hydrologic cycle. You want fresh water to move into the marsh. That's one reason why we have marsh die off, according to our experts, because the drought limited the amount of fresh water that was reaching them. So the concepts that these folks are proposing are troublesome. Now I appreciate that what you're being asked to do is to deal with a variance today, but in effect that variance is a Trojan horse. Contained within it is the reduction of the buffer from 55 —, excuse me, from 50 feet —. Chairman Hair said, I just want to correct the record. This is a rezoning only. It is not variances today. It's a rezoning of the property, not variances. Mr. Berson said, agreed, but included in the rezoning is the variance request of the Metropolitan Planning Commission has given you. Chairman Hair said, it's just a rezoning only. Mr. Berson said, all right. Let me rephrase. Because of the variances the Metropolitan Planning Commission approved, I'm asking you today to send it back to the MPC for reconsideration rather than granting this variance. We don't disagree with the variance. We agree that down-zoning the property for residential use makes sense. The problem is that in doing so the applicant has changed the most important best management practice that applies to this site and that would be a 50-foot buffer. Now, where we take dis—, where we take exception with the MPC is their conclusion that somehow using this back to front method in combination with the State-required 25-foot buffer is equivalent to a 50-foot buffer. Not only do we not think that's valid scientifically, but having worked on these land use plans, we think it's really inappropriate not to apply that plan to this site. After all, it is a virgin site. It's never been developed. It's a whole island that they're proposing to develop.

If you're not going to apply the Islands Land Use Plan to an island that's never been developed, when on earth would you do it? That's a matter of good planning, not a matter of gainsayingly opposing marsh hammock development. There are a couple of points that I think also deserve to be dealt with. Mr. Yellin mentioned that they're trying to maximize distance from the marsh and the houses. I don't really understand how you maximize distance from the marsh when you've moved the houses from 50 feet to 25 feet. Every single one of those houses, except for one, will be with 25 feet of the marsh. Absent the variance the MPC has discussed, that figure would be 50. All we're asking —, and incidentally that figure was well known to the consultants before they started designing this project. All we're asking is that these folks live within the rules that are set forth for them and we think that's fair. Commissioner Odell, you asked about arbitrary and capriciousness. I would make the argument to you that you have an established 50-foot buffer and unless the applicant makes some sound reasons why that should be reduced to 25, going along with it on the basis of a stormwater plan that has no basis in science or fact, is itself arbitrary and capricious.

Commissioner Odell asked, may I ask you a question. Mr. Berson said, sure. Commissioner Odell asked, are you confusing the fact that the 25-foot setback is in the front of the property, not the rear of the property? Mr. Berson said, no, I'm not. I'm talking about distance from the marsh and the Islands Plan requires a 50-foot buffer between the marsh and the structure. The State requires 25 as a minimum. So the entire benefit of the Islands Plan has been wiped out by this variance that was approved by the MPC and, quite frankly, I think reasonable people would come to the conclusion that maybe a 50-foot buffer will not apply to the whole site, but surely not all of it should be destroyed in this consideration and surely some accommodation can be made in which maybe the applicant has to sacrifice several building sites, but the issue is why does a buffer have to conform with the site design. Doesn't site design have to conform to a buffer? And that's really the question we want you to think about today. Chairman Hair said, Commissioner Odell still has the floor. Commissioner Odell asked, may I ask you just one question? The front to back drainage, which would allow —, I'm sorry, back to front drainage, the theory being the water would percolate and would get through the marsh through the underground water system, your position is that there's no foundation in science for that, but the water coming directly or naturally into the marsh without the percolation from back to front is supported in science. Is that true? Mr. Berson said, if you have a naturally vegetated buffer, then that affects that the stormwater is not only filtered for sediments, but it's filtered for pollutants. If you reverse it and you send the water back across the site, across the street through the pipe into a settling pond, you do nothing for stormwater quality. All you do is have the sediments fall out into the retention pond and then eventually it's leaked out into the system. But what you've done is you've cut off the fresh water flow that normally —, and quite frankly I take exception with the engineer. The normal topography is to have sheet flow off of a marsh hammock into the marsh. That's how the marsh gets fresh water that it needs and when you have —, when you don't have that fresh water interface, the salt water brought in by the tide can kill these plants that we depend on for so many different things from flood protection to propagation of species. It's attacking the web of life, and one of the conditions that these folks have to meet before the DNR is that pre-imposed construction runoff is supposed to be the same. So while the DNR hasn't evaluated any of these things, the very nature of their proposal is highly questionable in terms of whether or not it would pass muster with the State. And on that basis it would be very inappropriate for you to grant this kind of variance. Commissioner Odell said, so you —, but your concern, just reducing it is, that the 50-foot setback which has been reduced to 25, you have a concern about that, and the front to back runoff. Are those the two primary concerns that you feel the project needs to go back to MPC to be adjusted for those two things? Mr. Berson said, I do. Commissioner Odell said, okay. Are there additional points other than those two items that gives the Conservancy —, and you speak for them? Mr. Berson said, I do. Commissioner Odell asked, what are those additional points beyond those two? Are those the big ones? Mr. Berson said, well, there is one other that I think is worth mentioning. You've heard a lot of illusion to what might happen to this property if this down-zoning and variances are not approved, and the boogeyman here a commercial development or an oversized project. The truth of the matter is the reason we got involved with Terra Firma in the first place is there already is a causeway connection to this hammock. It was where the sign was that you saw in that video a little while ago, and our argument to the State was if we're trying to limit bridges to hammocks and this hammock already has a causeway, why would you approve an additional bridge. And quite frankly the issue was because they wanted one, but that bridge that they have approval for is subject to a number of conditions and one of them is that this is a low impact residential development. So, if we go to a commercial site, there's by no means any certainty that they could actually build a bridge that they applied for and there are also questions as to whether or not that shopping center would accommodate the kind of traffic that would be flowing through it to use the existing causeway.

Chairman Hair recognized Commissioner Kicklighter. Commissioner Kicklighter said, my question was answered. Chairman Hair said, okay, continue please. Try to wrap it up if you can. Mr. Berson said, actually I am finished. Thank you very much for your attention and I hope that you'll consider that Island Land Use Plan is something worth standing up for. Thank you. Chairman Hair said, thank you, sir. Chairman Hair recognized Ms. Heimes.

Ms. Heimes said, thank you. My name is Marianne Heimes. I'd like to start this off on a different note. I'd like to thank Jeff [Rayno] and Harris [Odell] for their concerns on mental health. As you know —. Chairman Hair said, let's stay —, this is Terra Firma, okay. Ms. Heimes said, I just wanted to take a minute. Nearly a hundred people turned out at the meeting on Wednesday night on the Island. Now, sometimes we're accused of being too late on these things, but I will say that MPC did a less than great job of notifying people in this process all along. I'm concerned about the Islands Land Use Plan. A lot of us spent a lot of time working on it. We've all —, you've heard that a hundred times, and that's, you know. We did it as a volunteer project because we felt it was needed for the Islands. At the meeting, which three of you attended on Wednesday, the MPC kind of blew off the Islands Land Use Plan and said that nothing except in Volume Two mattered. Well, in Volume Two, page three, number five, the minimum building setback from the marshland shall be 50 feet. A DNR letter that's been quoted quite a bit, this was their letter in May of 2003, or their minutes from their meeting, prior to bridge construction permittee must provide the DNR with a MPC-approved residential site plan pursuant to the Islands Land Use Plan and consistent with the Low Impact Development Plan and BMP implementation required under this permit. So it seems clear —, I went to that meeting —, that before they did anything at the MPC they would work with the Islands Land Use Plan, which you approved here in June of 2001 after many, many questions and it was, you know, it wasn't just passed over night, I can tell you that. But instead the 50-foot setback was set aside. We are pretty reasonable people, I think. We know there can be construction out there and

I don't think anybody —, I think you do us a dis—, an injustice to accuse us of that, but I think you also need to listen at the facts that people on the Islands are hearing which do not seem to connect with what we understood from the MPC and the DNR and, you know, acronym after acronym. We do understand and respect property rights. We all have property rights. We also understand and respect the rules and the laws and regulations that we live under and we also respect fairness in enforcing them. I have been familiar with this property for a long time. Mr. Yellin and I submitted a ISTEIA proposition several years ago to try to get it for a County park. Instead we got the Demere tract and were very grateful for that. This is a beautiful piece of property and I'm aware of it because I have walked it a couple of times. But my concern here today is not whether 220 apartments will be built there or whether 34 lots will be built there. It's whether we are following our own process, and I do not feel we are. As the Chairman of the Islands Use Plan, which took thousands of citizens volunteer hours to be put in place, we request that it be sent back to the MPC so they can look at the 50-foot setback and see if instead of a blanket obliteration of it, if they can look at it on a lot by lot basis. Now, I have met with the developer several times. He's a nice young man, and I guess we always get to that impasse of the 50-foot —, everything else, he's worked, they both have worked very hard. They've all worked very hard.

Chairman Hair said, Ms. Heimes, Commissioner McMasters has a question for you. Commissioner McMasters said, I could have held it to the end, but since you had broken your chain —, let me just ask you, Marianne [Heimes], if the applicant were to build without the zoning change something that was allowable and they maintained the 50-foot setback —, I know it's hard for you to speak for the group, but maybe speak for yourself —, would you have a problem with that? Ms. Heimes said, I'd look at —, I think we could support something like that, and that's what I'm asking that you do today. Commissioner McMasters said, I'm sorry, was your answer if they —, you would or —. Ms. Heimes said, if they can go back to the MPC and if they can build within the 50-foot setback and perhaps there might even be some variation there, I don't know, I think we could support it. The citizens were never brought into this process through the MPC —. Commissioner McMasters said, I share your concerns that I'm hearing about the notification process and that has —, that's not the applicant's downfall, that's our —, that's the government's downfall in my opinion. My question though is if the applicants were to build something without the rezoning requirement within the current zoning that's applied to the property and they met the 50-foot setback, you would or wouldn't have anything to —, you couldn't fault them for that, could you? Ms. Heimes said, if they built within the current zoning, they would not even have to observe the 50-foot setback. It's already —, actually one lot of record. Commissioner McMasters said, scratch that question. Last question. If you went to —. Ms. Heimes said, but I don't think they're going to do that. Commissioner McMasters asked, if this were to go back to the MPC and the 50-foot setback issue was revisited should the MPC wish to do that, could you support some sort of compromise between the 25 and the 50-foot setback? Ms. Heimes said, if we could be shown that it —, where it makes sense. We have asked and we don't know where the lots lie, but I —, we're willing —. Commissioner McMasters asked, but you're open minded about it? Ms. Heimes said, yes, and I will say that there are a lot of people out there who have added their views who prefer that nothing be built there and you can understand their feeling. As a member of the Land Use Plan Committee, our concern is strictly in the process of following the plan. Commissioner McMasters said, you need to understand ours —, and they do have property rights and —. Ms. Heimes said, I understand that. Commissioner McMasters said, — and there are justifiable issues here, so I appreciate your answers. Ms. Heimes said, well, let me say this. There are five —.

Chairman Hair said, I have some more questions for you. Ms. Heimes said, sure. Chairman Hair said, Commissioner Rivers and then Commissioner Kicklighter.

Commissioner Rivers said, Ms. Heimes —. Ms. Heimes said, yes. Commissioner Rivers said, — you're saying that all the lots don't have 50 feet setback. Now I thought I heard in here, and correct me if I'm wrong, that some of it have 85 and what was the minimum setback? Ms. Heimes said, the minimum as I understand, well —. Commissioner Rivers said, I want to ask the developer now. What's the setback and, you know, we're getting up here all lots are infringing on the 50-foot marsh setback. You said that some are 85, some are some other distance. What is it? Commissioner Murray said, it's an average of it. Commissioner Rivers said, well, but, hey, give —, tell me —, if we're looking at it and somebody came up here, I think the man from Conservancy came up here and said all lots were setback at the same footage, they just told me —, what's the percentage of the lots that you have at 85 feet and what's the percentage of the lots that you have at a different measurement? I don't want the average, I want to know if you've got 50% at 85, 50% at 40. Commissioner Kicklighter said, there's only 34 lots. He can read off, if he can find it, he could read off each one. Mr. Yellin said, I'll see if I can find it. Commissioner Murray said, there's a list of the lots that —. Ms. Heimes said, we have asked for that information. It would be very helpful. Mr. Yellin said, that information is right on the legend. I don't know where Mr. Berson got the idea that if it's 25 feet there's house right on the marsh line. That doesn't exist anywhere. They range from about 35 feet up to 85 feet and the average it's about 45 feet. Commissioner Rivers said, okay, then I think we need to know how many by 35, how many by 85 —. Chairman Hair said, he's got it. Read that —, answer Commissioner Rivers's question. He's got it right there. Commissioner Rivers said, you know, and that might —, we might be able to reach a compromise there. All this babbling back and forth about 25 and it's incorrect information. Give me correct information. Mr. Yellin said, Commissioner Rivers, it appears in the MPC decision, page seven, and I can. Chairman Hair said, just give —, can you read —, is it simple —, you can read it? Mr. Yellin said, it's a long paragraph. It says —, it's a variance —. Chairman Hair said, yeah, read it to us. We can't read your mind. I'm good, but I'm not that good. My psychic waves are [inaudible]. I need lunch. Mr. Yellin said, I've got a marked-up copy. I'm sorry, I was trying to take it all in. The MPC hereby approves the proposed master plan including the following variances: A marsh setback variance ranging from 1 to 25 feet from the required 50 feet for all lots with the exception of Lots 3, 4, 9, 27, 28, 29 and 33. A marsh buffer variance ranging from 1 to 10 feet from the required 35 feet on all the lots with the exception of Lots 1, 2, 3, 4, 5, 9, 27, 28, 29 and 33. A 10-foot right-of-way variance —, we're now getting into the road issue —, of a first private road and then the 15-foot building setback, so everything before that addresses the lot. On the site plan that was submitted to the MPC there was a large legend on the lefthand side which showed every lot and every distance to the marsh, keeping in mind those were conservative numbers because until we know the actual footprint of the house, somebody may want to build a 3,000 square foot house, somebody may want to put a 2,200 square foot house, but the footprints that we put on there were for illustrative purposes and the range was literally from about a low of 35 feet to the marsh, which included 25 feet

DNR plus 10, to a high of —, I heard one person say 85 and one say 105 —, and some lots had as much as 105 feet. The reason for this, and if I could maybe just jump straight in, if you've got a piece of property that's in the shape of a rectangle, it's easy to make the calculation because you've got your house here, you've got your DNR line and it's a straight line and we can easily calculate it. Terra Firma has a jagged line. It's really hard to make exact calculations, and that's part of, I think, the mis—. Chairman Hair said, well, I tell you what, Mr. Yellin —.

Commissioner Rivers said, well, I can make —, we can make them adjustments in the site plan. Chairman Hair said, the site plan's not here today anyway before us. Commissioner Rivers said, that's what I'm saying. So why are we going through all of this until we get the actual footage? Chairman Hair said, well, the reason, Commissioner Rivers, is a lot of people want to confuse the issue on purpose. The issue before us is zoning. It's not the site plan, and —. Mr. Yellin said, I was trying to answer a question and Commissioner Rivers —. Commissioner Rivers said, I think I got where I'm going and what I need to —.

Commissioner Kicklighter asked, can I clarify —? Chairman Hair said, Commissioner Kicklighter has a question for Ms. Heimes. Commissioner Kicklighter said, well, I want to ask Mr. Yellin one first and then —. So not one home will be the minimum 25 feet or the minimum State minimum, all of them will be at least 35 or further away? Mr. Yellin said, a variance has been given so that those lots that need to be able to be built without being 50 feet can be built. If you look at every single lot, you will see that where the house is built there is an additional distance before you get to the 25 feet. Now, will that be 35 feet, 34 feet? I don't know until the homeowner says build me a house this size. That's why, and if I could maybe answer both questions at the same time, the site plan which approved the variances was already approved by the MPC unanimously. This is not a site plan specific zoning. The site plan is brought to you to show you what we're doing, to help you understand what we're doing, but in my opinion when it's before you —, what is before you today is should this property be rezoned and that is the only thing that I see on the agenda. There is no site plan before you today. Chairman Hair said, that's what I stated. Commissioner Kicklighter, you have another question for Ms. Heimes and then I'll get to you. Mr. Yellin said, I'm sorry, sir.

Commissioner Kicklighter said, Ms. Heimes, and I promise you I'm not trying to be a smart aleck with this question. I'm trying to understand. If someone owns their own private little island, I really just —, I honestly, and I'm trying to understand this —, and they're going to build 34 homes on it, why would someone living off that island that can't even really see that island from their home, and I promise this sounds smart, but I'm not trying to be, why would anyone care whether or not someone bought a house that had 25 feet off the marsh or 35 feet if the State of Georgia says that 25 feet is not going to harm the marshes? I just, I need to understand why it would bother y'all because in my opinion if you don't like it, don't buy there, let 34 people however they're —, you know, I mean, I just —, I really don't understand why people would care. Ms. Heimes said, let me explain because you're going to have your own group going through a plan for the Westside to develop a land use plan, and it takes a lot of time. Our group spent, well, in the preliminary it took over eight years to get the Islands Land Use Plan in place. Okay, when you work that hard on something and you see it accepted by the MPC and then by this body, you think, okay, we have something here, and then the first thing that comes down the pike that wants to get around that is without, you know, any question is —, I know there's been a lot of work on this and I understand all the background, believe me I do, but we're concerned because this is a land use plan that we worked on because we felt that the prior land use plan, which was passed in 1985, was not protecting the Islands and that's why we all worked so hard to get this done. Now there are people who do have a view of this. I'm not one of them, but the townhomes do have a view of this and they have different concerns of what I'm talking about, but they have a valid concern you can understand as well, you know, because they do see it so it will be part of their lives. All that I —.

Commissioner Odell said, they see it, but they don't own it. Ms. Heimes said, no, they don't own it, you're right, but they will see it and they want to make sure it's done right. Commissioner Odell said, I like that, but I don't own it. Ms. Heimes said, well, Harris [Odell], if you had lived for that many years looking at one thing and you found out it was going to be something else, wouldn't you want to ask some questions too? Commissioner Odell said, I would, but I own a condo —. Ms. Heimes said, okay, that's all I —, that's what we're doing. I said in the beginning we understand property rights, we believe in property rights. We understand the rules and regulations, we believe in those, and we believe in enforcing them. All I am asking here today, and there are several other variances which are not part of the Land Use Plan, I don't have a problem with them and neither does our group, but the 50-foot setback we feel in all fairness should be sent back to the MPC to see if the developers can work it out so that the majority at least of the lots can be within the 50-foot setback instead of just —, well, there are seven lots excepted so that would leave 27 that are not within the proper setback, and I will say this, if the 50-foot setback is not the right method to use to control the situation the Conservancies are concerned about, maybe we need to go back and revisit it, but I do not feel that we should just do it on a one-time basis and then go on. I think this needs a little more study, which is what I asked about and asked for at the MPC meeting, which since then they have had and, you know, it's going to go on and on, and all we ask that the MPC look at the variance and the developer —, I've talked with Mr. Egan a lot of times and he knows that that's the way I feel about it, and I feel with a little tweaking they could probably do it, but to just wholesale pass it without any questions about something that so many of us worked so hard on, and I will tell you this and then I'll shut up and sit down, to get that many people out to a meeting on the Islands means it was very important to a lot of people and a lot of different issues were involved there. I'm just bringing up the one issue.

Chairman Hair said, thank you, Ms. Heimes. We've got a procedural issue here and then we'll get to everybody, okay. It's 12:15, we normally break at 12:00 for lunch for 30 minutes. I would suggest —, this thing could take probably well into the afternoon. I want to make sure everybody gets a chance to respond. I would suggest after Ms. Heimes that we take our 30 minute lunch break, come back in 30 —, at 12:45 and then continue. Commissioner Murray said, I can appreciate that, but at the same time I think we can go ahead and wrap this up fairly quick. Chairman Hair said, well, I'll call on you to wrap it up then. Commissioner Murray said, I would rather, since we started discussion, continue until we finish this. Chairman Hair said, wrap it up. I'll call on you. Commissioner Odell said, raise your hands if you'd would like to speak. Mr. Simmons said, two minutes. Less than two minutes. Chairman Hair said, all right, Ms. Heimes, and then you're the last speaker, I understand. Nobody else in the audience —. An unidentified gentleman

in the audience said, I want to speak in favor of it actually. You haven't had anybody stand up —. Chairman Hair said, everybody can come forward.

Mr. Jack Simmons said, I represent the Wilmington Coastal Ecology Association. The Clerk asked, please state your name. Mr. Simmons said, Jack Simmons. There aren't any blue crabs in Savannah any more. I'm not suggesting that this plan is going to wipe out the rest of them or whatever. What we are asking is that you go slowly. Once you do this, it's done, completely done. Fifteen years from now we say, "Oh, my God, this was a disaster." We are just asking that you go back and let the citizens have a chance to participate as they clearly did not. Let them participate and let their voices be heard. We simply ask that you go slowly.

Chairman Hair said, thank you, sir. Commissioner McMasters said, thank you. Chairman Hair said, next.

Mr. Lee Hughes said, thank you, Mr. Chairman and Commissioners. My name is Lee Hughes. Thank you for letting me speak on this. I want to make it real clear that I'm here today as a private citizen. Many of you know me as the lobbyist for the Forestry Association and Georgia Pacific before that. I'm here today as a private citizen. I want to begin by saying that I understand Ms. Heimes and some of her neighbors concerns about this especially when they have a great deal of pride of authorship in the Land Use Plan, but I would suggest to you that there's a lot of documents that have been created over time that have been gone back and changed. Not all scenarios can be contemplated. The framers of our Constitution didn't contemplate everything and there's been dozens of amendments to the U. S. Constitution, and those were permanent and this is one specific variance —, one specific instance where there would be variances. So I would suggest that that does not in any way detract from the integrity of the Land Use Plan. Also, I want to say that the gentleman that just spoke just a minute ago talked about go slowly and make sure that there's lots of citizen input. I think it's real important to know that this is not the beginning of the process. The developer and the owner of the property have been involved in this for years, and there has been lots of public meetings. They have not actually taken credit for as many of them as they have. I think the developer has had meetings with the owners of the townhomes as long ago as two years ago, private meetings, maybe not publicly noted or publicly posted, but he's been taking with them for some time, and we've both known Ms. Heimes for years. So it's not the beginning of the process and there has been a lot of public involvement, but at some point it comes time to make the decision and the procedures are that today is that time. Finally, and this part is difficult, I mentioned that I'm here as a private citizen. I'm not on a retainer or anything like that. My background isn't working on a lot of environmental issues in this State and, in fact, I was one of the coastal members of the Georgia Conservancy Board of Trustees for six years until about two months ago when my second term ended and I rolled off of that board. I'm proud of a lot of the work that the Georgia Conservancy did for many years. I'm not as proud today. I think that the issue is very clear cut. You're going to decide either to down-zone this from commercial to residential, which is clearly the best use of this property, or not. The decision doesn't go further than that. So let's talk about —, let's talk about those specific issues and let's go forward with those specifically. I believe that's all that I have.

Chairman Hair said, thank you, Mr. Hughes. Mr. Bergen, and Mr. Nutting, come on forward, sir.

Mr. Clete Bergen said, thank you. I'm Clete Bergen and I'm here as a private citizen, also because I've spent a lot of time over my 57 years in the marshes and the rivers around here and I'm very concerned about what happens to them. I think some of these islands are going to be developed, that's inevitable. I'm concerned about this particular island though because when I went out there and looked at it, I noticed that it's extremely low, very low, and I want to mention three issues that I think are relevant here. The 50-foot setback, the bulkhead issue and this DNR permit of a bridge. Now in order to rationalize the variance from the 50-foot setback line, the concept of the bulkhead was developed, and what they intend to do is put a six-foot concrete bulkhead completely around the island. They're going to completely circle the island approximately 25 to 35 feet, I'm not sure which, back from the magic point where the marsh meets the highland. Now what that's going to do is create a saucer or a bowl, if you will, and now we're getting to the back to front drainage issue. Now to get a —, and this is the excuse or the rationale for getting around the 50-foot setback line that's set by the State. If that bowl is created by this concrete bulkhead, three feet of which are going to be down in the ground and three feet of which are going to be above the ground as I understand from the meeting Wednesday, the next thing they're going to have to do is come in there and fill that bowl with land, dirt. Numerous truck loads of dirt. They were asked about that point and nobody could tell us how much dirt is going to be brought in there to raise the level of that hammock to a point where it can be properly built. The bulkhead's going to allow the house to be put closer to the marsh than the 50-foot setback, marsh setback contemplated by the DNR, and that brings me to the third point. When the DNR permitted that bridge, they did it on the condition that the Islands Land Use Plan would be followed, and now we have a situation here where there's a variance to that condition and y'all are faced with trying to decide what to do with that. If, in fact, there is a variance, I would submit to you that there's a breach of contract with the DNR's permit, and I don't know where that's going to lead because the DNR's going to have to go back and look at the situation now because it's now coming back to them with a variance to their permit that they've already granted for the bridge. So I think there's some issues here that need to be considered. It's not timely at this point for you folks, you Commissioners, to act on this thing. It needs to be sent back and studied on this 50-foot variance and we need to know exactly how that back to front drainage is going to work. That is not a natural system. A natural system is to go off the island in a general manner all the way around the island, water into the marsh.

Chairman Hair said, Mr. Bergen. Commissioner Odell has a question for you. Mr. Bergen said, yes. Commissioner Odell said, hey, Clete [Bergen]. How you doing? I understand the setback, which is an issue of yours, and the front to back [sic] drainage. I didn't follow you as far as the foundation for the bulkhead would be so many feet below ground and they drag in fill dirt. What are the partic—, the potential issues that give you concern regarding them filling that bowl? Mr. Bergen said, the first thing is I don't think that the DNR understood that that would be the case. I may be wrong on that. Okay? And that's why I think there's a potential problem with the contract between the DNR and this association, or the developers, in permitting the bridge. And the purpose of that bulkhead, which will completely surround the island, is to allow for the raising up of the island by two to three feet in dirt in a lot of areas so that the houses could be built. Now —, and the 50-foot setback line —, the rationale for the variance for the 50-foot setback

line is to allow the house to be put closer to the marsh, and I don't think that the DNR understood that when the bridge permit was requested because they required —, they required them to comply with the Islands Use Plan, which one of the major issues is the 50-foot setback line, and it needs to go back and it needs to be studied on that point because there are going to be problems with it otherwise. And that's basically my point here.

Chairman Hair said, thank you, Mr. Bergen. Chairman Hair recognized Mr. Nutting. Chairman Hair said, Commissioner McMasters wants to ask me a question. Commissioner McMasters said, excuse me.

Mr. Sid Nutting said, I'm Sid Nutting. I haven't been up here a while. Chairman Hair said, Mr. Nutting, wait just a second. Commissioner McMasters has a question.

Commissioner McMasters said, I've got a question for the Chairman. Twice you've exited with the County Attorney to have a conversation and I'd like to know —, I'd like you to state to the public and to the Commission that you were not talking about anything related to this subject, but if it was about this subject we'd like to know. Chairman Hair said, first of all, what I talk to the County Attorney about is privileged information. I don't need to tell you what I talk to the County Attorney about. Commissioner McMasters asked, well, would you just tell us whether or not it had to do with this subject? Chairman Hair said, no. Commissioner McMasters said, okay. Chairman Hair said, it did not, not that it's any of your business. Chairman Hair recognized Mr. Nutting. Commissioner Odell said, and when he said we, he didn't mean all of us because I don't want to know. Commissioner McMasters said, no. Chairman Hair said, exactly, only Commissioner McMasters. He's just curious. Mr. Nutting, you have the floor, sir.

Mr. Nutting said, I don't have any direct dog in this fight, as you know; however, the land use plan idea I do have a considerable invested history of being concerned with. And what we have going on here it seems to me is we are charging in to approval of this project when a meeting on Wednesday night with a hundred or so people left, and they were mostly written on cards, many of them were left open, some of them quite technical, that need to be understood and answered because if you do what you call down-grading this site, then it's all over as far as this project is concerned. The MPC and you will have complete hand with that from now on and no public input. I think the thing that worries me in this particular one is that the setback could easily be solved by something less than 34 houses. I don't know how many. It might be 32, it might be 31, it might be a smaller house, and then everything would be up and up, but we continually have had over many years of watching this group meet and the MPC meet, we crowd the top limit and we get variances to the point that it's the law, per se, on which you are —, from which you are varying means very little. I submit to you this one hasn't cooked enough yet. I think they have done a good job of trying, but there are a lot of —, they're not —, there's not near enough experience in this method of backing the water the opposite direction. There are things like who's going to take care of treatment chemicals, who's responsibility is that and who's responsibility if it gets —, if it goes wrong, how much is the County liable for, this whole question of ground boring, the whole question of how many trees are going to die with this backfill. You've got to backfill it to make it go the other way. You're putting up about a three-foot above ground —, above grade wall and filling that in with dirt so the water will go the opposite direction. If there are any trees in that whole ring around the island, they're going to be buried and we were told last night you put wells in, the County Engineer told me as we started this meeting there were very few tree wells that he's ever seen that worked. Now these are not major big problems that have got to go to the U.N. to get solved, but I don't think they were handled at the staff level and, therefore, I don't think this project really deserves your approval at this —, at this early date. So I will urge you to reconsider having the MPC take into account that whole list of questions, bring them back to you. You may be interested in some of them. And I thank you.

Chairman Hair said, thank you, Mr. Nutting. I'm going to ask the owner and then we're ready. I'm going to call on Commissioner Murray to make his comments and whatever motion he wants to make.

Mr. Mark Egan said, Commissioners, thank you. I'd like to make a couple of comments here. The Clerk said, first state your name please. Mr. Egan said, I'm sorry. My name is Mark Egan. I'm here with Mr. Ed Beaty. We're the developers of the property and have been working on this project for over two years. One thing I'd like to state here is we've spent an enormous amount of time working in conjunction with all of the concerned parties that had some word or say-so in this project for a two-year period, and it's been rather intense, but we've listened. We've tried to make adjustments and we've looked at it based on their concerns. Like so many other issues in today's world, there's been a lot of miscommunication. Just listening here today. I have not spoke publicly. I've been in numerous private meetings with the intent to not have a high profile, but a low profile and the idea to make sure that we've legitimately looked at the concerns of all of the issues that have been addressed. Individuals on both sides can tell you we've done that. I don't think there's any adversarial relationship with anybody. So having said that and hearing the comments that have been made, I felt it was a proper and opportune time for me and my partner to make a couple of statements. One is just recently, the last few comments, which I respect the gentleman's concern about the bulkhead around the island. There will be no bulkhead entirely around the island. That is a misstatement. It's not his fault, but it's not the design construction of the bulkhead. Secondly, it's not a concrete bulkhead. It's a sheetpile bulkhead, and we can go into the technical explanation of that, but I don't think it's appropriate. My point I'm trying to make, there's been a lot of miscommunication and a lot of misstatements as to what is being done with this property, and I understand the opposition because the overriding concern really is no development. We knew that going in, but when we were presented with the opportunity to develop this property, it was a 266-unit townhome development. We listened to the concerns of everybody who had something to say about this property and went from 266 to 60 to 38 to 34 units with consideration of that input. With respect to the issues that are in front of you today, we're talking about a down-zoning issue. In fact, it's really a narrow issue as far as I can see. The concerns that everybody has and have placed up here in front of you today are concerns that we still have to address through the process. It's not complete here. We've got through the engineering approvals, we've got to go through the County and satisfy all the environmental laws and, yes, this is an unprecedented development in many ways because of the conditions that were put in front of us with the DNR and conditions that we put on ourselves to look at and consider the objections, the concerns of all the people that have come before us. So I say to you today, gentlemen, that the issue that we're addressing here is a down-zoning issue. We've got a long road to continue to haul. We're not there yet. We've come a long ways and we

appreciate and respect what people have said, but I would ask you please to take that into consideration knowing that the details, like with any development project, there are a lot of concerns, and they'll be addressed in the appropriate forum at the appropriate time through the process, which we've done from day one starting with the DNR, the MPC and now with you gentlemen and Commissioners here. So I —, unless you have any questions, I just —, I think all of the specifics, and Harold [Yellin] made a good presentation as far as our plan is concerned, I'll —. Chairman Hair said, thank you, Mr. Egan. Mr. Egan said, I appreciate the time. Chairman Hair said, one quick question from Mr. McMasters.

Commissioner McMasters said, Mr. Egan, you've been very impressive in the meetings and the thoughtfulness that's really been put into this project and I'm personally not opposed to all the innovation that's coming into this thing, but you admit that you've been two years in the process and, as a developer of this project, in the spirit of working with the community would you object to voluntarily agreeing to return to the MPC to discuss only, only the 25 versus 50-foot setback on certain lots? Mr. Egan said, Commissioner McMasters, my —, with all due respect, this process has not been a rubber stamp by any stretch. We have met on numerous occasions with a variety of people and we have made compromises for the issues and with respect to the issues that are in front of us. This development plan is well thought out. It is uniquely different. The conditions around the property are uniquely different. I have a —, an objection because it is a process that we're asking to repeat again that we very honestly believe that we've done everything that we could do to make this property and this project align with the concerns to the best of our ability the concerns of the opposition and other people who have sensitivity toward the development of this project. Commissioner McMasters said, Mr. Egan, I'm not asking you to do —, revisit the other four variances of the down-zoning or the bulkhead concept or anything else. I'm only asking if you would consider meeting with the community on the one subject of just a handful of your lots on the 25 versus 50-foot setback. It's a yes or a no. Mr. Egan said, no. Commissioner McMasters said, okay, thank you.

Chairman Hair said, Commissioner Rivers and then I've got —.

Commissioner Rivers said, Jon [Hart], I have a question. Can we have him, if we passed the down-zone, can we have that site plan to come back here for approval? County Attorney Hart said, that's a good question. The Code, our Zoning Ordinance —, it's a two-step process. Number one, you only have the zoning before you today. Commissioner Rivers said, right. County Attorney Hart said, and either you've got four things you can do. You can either rezone the property, not zone the property, leave the zoning as it is or change the zoning, okay, and you have pretty broad discretion in that. Commissioner Rivers said, okay, what I'm getting —, what I'm getting at, Jon [Hart], see I want to know definitely, and only a projection, but I would like to know if you've got —, how many houses you've got at 85, how many you've got at 50, how many you've got at 35, and that's a 15-foot variance. Now, then how much do we have —, do we have five that go below 35 or do we have five at 25? You know, where are we at, and just a projected footprint, projected footprint of those houses if you take your designs and put them on each of those lots, where are we going to fall at footage-wise? Maybe if we don't have that many that's at 35, if we have one or two that has to be at 25, we might compromise. I don't know, but if you can do that I think we can get through the chase. Mr. Yellin said, Mr. Rivers, I asked Mark [Egan] to answer that question. I think we can do that. I don't think we are required to do it, but I would encourage the potential buyers to voluntarily agree to do that because I think that's information you would like to pursue. It would take us some time. I think by next meeting or the meeting after, I need to turn to the engineers —. Commissioner Rivers said, well, I can't carry you no further than the next meeting. You'll have to do it by the next meeting. The onus is on you. Mr. Yellin said, in two weeks time if it's your direction as Commissioners to bring back individually the information that shows each individual lot, that data, we can do that, and we'll bring it back to you voluntarily in two weeks.

Chairman Hair said, why don't we table it? Commissioner Kicklighter said, I make a motion to table. Chairman Hair asked, second? Commissioner Murray said, second. Chairman Hair said, all those in favor of tabling it two weeks vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Thomas was not present.] Chairman Hair said, the motion is tabled for two weeks. Thank you.

ACTION OF THE BOARD:

Commissioner Kicklighter moved to table the request of petitioner Harold B. Yellin, Agent (for A. J. & C. Garfunkel, LLC, and Harold Black, Owners) for rezoning Terra Firma Hammock, Johnny Mercer Boulevard, from a PUD-CC-24/TC (Planned Unit Development-Commercial Center-24 Units Per Net Acre-Town Center) zoning classification to a PUD-M-3.5 (Planned Unit Development Multi-Family-3.5 Units Per Net Acre) zoning classification. Commissioner Murray seconded the motion and it carried unanimously. [NOTE: Commissioner Thomas was not present.]



Conserving Our Natural Heritage, Investing in Our Children's Future.

On the Web at www.sustainablecoast.org

Statement on Terra Firma Buffer Variance

When the DNR Marshlands Protection Committee approved a permit that would provide access for the Terra Firma project, it was with a specific understanding that developers would conform to

standards of the "Island Plan," administered by the Metropolitan Planning Commission. That plan requires a 50-foot buffer (including 35 feet of undisturbed natural vegetation along all marshfront areas), double the 25-foot minimum required under the state's Soil Erosion and Sedimentation Act because of the importance of protecting wetlands from non-point source pollution. In spite of that clearly understood provision, the developers recently convinced the MPC to allow them to override the buffer requirement by reducing it to the minimum, 25 feet.

To achieve acceptable trade-offs in allowing the disturbance of environmentally fragile areas like hammocks, responsible steps must be taken to ensure that public resources are reliably protected. Owners of hammocks are by no means guaranteed the right to build bridges across public marshlands to gain access to their property, and the burden of proof for justifying a permit granting that privilege falls on the permit applicant. When such bridge access is granted by the state, developers must be held accountable to prescribed conditions if the public interest is to be properly protected. We believe that the buffer variance is inconsistent with this key objective.

The Center for a Sustainable Coast has been advised independently by three environmental professionals about the requested buffer reduction in the Terra Firma project: a marsh ecologist, a groundwater hydrologist, and a resource management expert who specializes in buffers between land and state waters, including wetlands. Each of these highly qualified individuals independently concluded that proposed drainage controls for Terra Firma do not justify sacrificing the extra 25 feet of natural buffer because of the buffer's importance in protecting the surrounding marsh ecosystem. Further, they suspect that these drainage controls introduce still other risks to natural resources.

By deviating from basic provisions of the Islands Plan, the developers are testing the resolve of decision-makers who are entrusted to safeguard the public interest. If such an unjustified exemption for this project were approved, the County would be setting a dangerous precedent undermining the very purpose of Island Plan standards that were adopted to protect valuable public resources.

While we appreciate other measures being taken by the developers of Terra Firma to protect the environment, it is clear that there is no acceptable justification for approving a reduction in the buffer. We respectfully urge the County Commissioners to honor the principles at stake by upholding the Islands Plan and denying the buffer variance for Terra Firma.

David Kyler, Executive Director
Center for a Sustainable Coast
St. Simons Island

April 30, 2004

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PUBLIC MEETING WITH GEORGIA PORTS AUTHORITY (Commissioner Kicklighter)

Chairman Hair said, I'm going to call on Commissioner Kicklighter to make a quick announcement.

Commissioner Kicklighter said, yes. I just want to announce that we will hold a follow-up meeting with the Georgia Ports Authority right here in the Commission chambers Monday morning at 10:00 a.m., and I encourage the public and everyone to please attend.

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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: April 30, 2004

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>
Arcinfo annual software maintenance agreement	Engineering	ESRI (sole source)	\$5,600	SSD - Engineering
Professional site plan engineering services to include preparation of preliminary site plan, provide site analysis and minor subdivision plat for the Islands Public Library for services performed during April 2004	SPLOST	Kern-Coleman & Company	Not to exceed \$8,000	SPLOST (2003-2008) - Library
Professional environmental and survey services to perform a wetlands/upland boundary survey and wetlands delineation of approximately 30 acres, Islands Public Library site on Johnny Mercer Boulevard for services performed during January 2004	SPLOST	Kern-Coleman & Company	Not to exceed \$5,400	SPLOST (2003-2008) - Library
One (1) 2 h.p. 110 volt pool vacuum with 50 ft. cord and 36 inch head	Aquatic Center	Recreonics, Inc.	\$3,334.53	General Fund/M & O - Aquatic Center
Replace conveyor belt on tree grinder	Fleet Operations	Samson Industrial, Inc.	\$3,081.75	General Fund/M & O - Fleet Operations
One (1) each mail opener and folder	Elections Board	Pitney Bowes, Inc.	\$6,599	General Fund/M & O - Elections Board
Purchase and installation of explosion proof motors and control boxes in the chemical storage room	Mosquito Control	Savannah Overhead Door Company	\$6,256	General Fund/M & O - Mosquito Control
Telephone and computer network cabling for Elections Board	Elections Board	Entré Computer (MBE)	\$3,736.52	CIP Bond - Phase I - Old Jail
Purchase and installation of fire alarm system for Elections Board	Elections Board	Simplex Grinnell	\$4,300	CIP Bond - Phase I - Old Jail
Mitel superset hub package with carrier and interface module	Detention Center	Integrated Network Solutions, Inc. (sole source)	\$2,700	General Fund/M & O - Detention Center
Survey for fencing and drainage for Placentia Canal at tide gate structure	SPLOST	Ward Edwards	\$3,660	SPLOST (1998-2003) - Placentia Canal
Ten (10) weed eaters and spare repair parts	Public Works	Andy's Lawn Machinery, Inc.	\$3,362.48	SSD - Public Works

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
20,000 jury summons laser forms and 5,000 indigent defense laser forms	Court Administrator	Moore Wallace North America, Inc.	\$2,600	General Fund/M & O - Court Administrator
24,000 pressure seal laser payroll checks and 24,000 laser check stock	Finance	Moore Wallace North America, Inc.	\$3,360	General Fund/M & O - Finance

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3. ROADS AND DRAINAGE REPORTS

ACTION OF THE BOARD:

Written reports were received as information.

AGENDA ITEM: **XIII-3**
DATE: April 30, 2004

- TO:** Board of Commissioners
- THRU:** R. E. Abolt, County Manager
- FROM:** A. G. Bungard, P.E., County Engineer
- ISSUE:** To provide information on the status of Chatham County road projects.

BACKGROUND: The schedules for construction are dictated by the GDOT, the allocations of funds among the Congressional districts and balancing of the CUTS TIP. "Let" dates are estimates as to when projects should be ready for bidding. "CST" dates reflect when funds are programmed by the GDOT. Key milestone events are summarized in the table attached to this report.

FACTS AND FINDING:

1. Truman Parkway.
 - a. Phase 3. The intersection improvements at Eisenhower and Skidaway are substantially complete. A ribbon cutting ceremony for the main line from Derenne Avenue to Eisenhower was held March 19. GDOT is coordinating a new schedule with the contractor to complete Phase 3 from Eisenhower to Montgomery Cross Road.
 - b. Phase 4. Construction continues on the bridge at Montgomery Cross Road and on the roadway to Whitfield Avenue. GDOT is working on establishing a new contract completion date.
 - c. Phase 5. The Local Government Project Agreement (LGPA) was approved by the GDOT on September 11, 2001. Design is underway. Based on an analysis of alternatives for terminating Phase 5 at Abercorn, the Concept Report was revised to tie into Abercorn with an at-grade intersection instead of a bridge over Abercorn. The concept team meeting was held on September 24, 2003, in Atlanta. In the meantime, the FHWA required that GDOT conduct a Value Engineering Study (VE) because the project cost is over \$25M. Staff review comments are pending. GDOT will not meet goal of having approved Concept Report in March. Staff has asked for a projected timeline. In accordance with the Plan Development Process, an approved Concept Report is a prerequisite to finalizing the Preliminary Design and Right of Way plans.
2. Jimmy DeLoach Parkway, Phase 2 (I-16 to US 80). The Final EA with a Finding of No Significant Impact (EA/FONSI) was forwarded to the GDOT on November 10, 2003, and is pending forwarding to the FHWA for approval. The project is presently programmed in the CUTS TIP for construction in FY 2005 but will likely go to FY 2006 due to the delay in approval of the FONSI.
3. Pooler Parkway Ph 2 and Interchanges at I-16 and US 80: The interchange at I-16 and the roadway from Quacco Road to Pine Barren Road are open to traffic. Construction continues on the road from Pine Barren Road to US 80 and on the interchange at US 80. Most of the asphalt is down covering the mainline, shoulders and the ramps on the interchange between Pine Barren Road and U.S. 80. Signal lights are being erected on U.S. 80 at the interchange. GDOT now estimates the completion may be in April 2004.
4. US 17.
 - a. SR 204 to Dean Forest Road: GDOT projects that it may be done by the end of March 2004.
 - b. Ogeechee River to SR 204: The scheduled completion date is September 30, 2004.
5. Middleground Road/Montgomery Cross Road (Ph 2 widening). ROW acquisition is complete. The roadway, drainage and water/sewers designs are complete. A change order to reestablish survey controls and to add fiber optics for traffic signals is pending. The GDOT has scheduled the bid opening for a construction contract in May 2004.
6. Stephenson Avenue. Under construction. Storm drain work is 70% complete and water line work is 90% complete. Utility delays and other unexpected conflicts have delayed construction

progress. Curb & gutter work is about 50% complete. **Approximately 50% of the new driveways have been installed on the north side of the road but some of them were incorrectly installed and will have to be torn out and repaved. 30% of the graded aggregate base is in place.**

The project has also been delayed due to problems encountered with the traffic control staging plan. Several plan revisions have been evaluated. The GDOT has reviewed the proposed plan changes and the prices the contractor submitted for modifications to the staging plan. The traffic staging plans in the original design would not work without a large amount of additional temporary paving that would have to be torn out later. This occurred due to a failure to consider a big grade differentiation between the originally proposed temporary widening to accommodate a traffic shift and the elevation of the new paving. The current proposal will be faster and less expensive than the temporary paving widening, and all paving will remain as part of the new roadway. Either method used would increase the cost of construction. In the meantime, pay item price negotiations for the changes are ongoing and will be addressed with a staff report soon. The utility delays, other unexpected conflicts and the significant staging problem delay will require a time extension. GDOT is managing the project for the County and will calculate the required additional time. It is now estimated that it will take until November, 2004, to complete the project.

7. Skidaway Widening: After many revisions, the FHWA approved the EA on March 5, 2003, for advancement to public hearing. The public hearing was held May 13. The GDOT mailed responses (undated) to citizens comments in December 2003. The Final EA with a FONSI was forwarded to the GDOT on November 26, 2003. The next step is to get FHWA approval.

8. Whitfield Avenue Widening. The FHWA approved the EA/FONSI on February 13, 2004. The County is now authorized to proceed with preliminary design. There is a new requirement that the County do a soils investigation as part of the preliminary design. When the preliminary design is approved, right of way plans can be prepared. Staff expects to complete preliminary design in May.

9. Diamond Causeway Widening. Consultant submitted a revised Draft EA to GDOT on October 24, 2002. The GDOT endorsed the EA to the FHWA for review on November 19, requesting comments by December 31, 2002. Received minor review comments from FHWA dated March 7, 2003, part of which required an amendment to CUTS TIP to comply with the justification for logical termini. The amendment to the TIP was approved at the CUTS Policy Committee meeting on July 23, 2003. Staff is awaiting comments or approval by the FHWA to advance to public hearing. Staff was advised on November 13 that the FHWA has sent the Draft EA to the U.S. Coast Guard for review.

10. US 80/SR26

a. Lynes Parkway to Victory Drive. The GDOT is doing the EA and working with the City of Savannah on the impacts of the project in the vicinity of the Springfield Canal. In the meantime, the County has completed all early acquisitions and removed improvements on the properties.

b. Bull River to Lazaretto Creek. GDOT is working on the EA. Programmed in Long Range.

11. White Bluff/Coffee Bluff Road. After many reviews and revisions ... the GDOT forwarded the Draft EA to the FHWA for review on September 30, 2002. Staff received lengthy comments from FHWA on January 22, 2003. The concept for the project was to improve White Bluff Road from near Windsor Road to Old Mill Subdivision to be a four lane divided roadway and to improve Coffee Bluff from Old Mill Subdivision southward to near the Little Ogeechee River to be a three lane section. The need and purpose for the project are based on capacity and safety improvements, and to provide an improved hurricane evacuation route. A teleconference was held with the FHWA, GDOT and County on April 15, 2003. It was agreed that the proposed improvements south of Old Mill Subdivision would be reevaluated for need. Based on the reevaluation and the coordination with FHWA staff, it was determined that widening to three lanes south of Felt Drive was not warranted. The project does propose improvements to the two lane section south of Felt Drive. After concurrence by the City of Savannah in August, the County's consultant revised the Need and Purpose Section of the EA and resubmitted to GDOT on October 16, 2003, and forwarded to the FHWA in December 2003.

12. Eisenhower Widening from Abercorn to Truman Parkway. The original concept report was prepared based on project termini in the CUTS TIP. On December 21, 2001, Board approved extending the scope of the project from Waters Avenue to Truman Parkway. The concept meeting with GDOT and City of Savannah was held September 16, 2002. A revised concept report was submitted for review to the GDOT on July 25, 2003. The field surveys and property research are complete. A revised Concept Report was sent to GDOT on January 15, 2004.

13. Abercorn Widening from Largo Drive to Rio Road. The concept meeting with GDOT and City of Savannah held September 16, 2002. When the concept report is approved, preliminary design can start. The Concept Report is pending revision to reflect a revised terminus from Deerfield Road to Largo Drive. This project is affected by two other project currently under design. This project is being coordinated with the projects to improve the intersection at Largo Drive and at the terminus of Truman, Phase 5, at Abercorn.

14. Bay Street Widening from I-516 to Bay Street Viaduct. Consultant and County staff hosted initial coordination meetings on December 10 and 11 with City of Savannah staff and sub-consultants. Letters have been sent to potentially affected property owners and collection of survey and property data is now underway. Follow-up meetings were held on January 7, 2004, with City of Savannah staff to coordinate the public involvement process and begin the concept development process. On February 24 the County's consultant and City and County staffs met with residents of Hudson Hill, the West Savannah Community and representatives of local businesses.

15. Local Roads

a. Georgia Tech Campus. By Intergovernmental Agreement, the construction costs are being paid by GDOT, SEDA and City of Savannah. The project is substantially complete. The final inspection was held and a punch list has been provided to the contractor.

b. Benton Boulevard.

(1) Phase 1 Extension (Spur 21). Constructed by County contract. The project is substantially complete. A punch list is pending for corrective work. Staff was advised after-the-fact that a large amount of unsuitable material was encountered and removed on the project. Staff was told that an inspector under contract with GDOT told the contractor to take the action. County staff was not notified of the need for the action or consulted regarding negotiating a price for same. Staff is conferring with GDOT about the apparent breakdown in the normal process for review and approval of an action that may have significant cost associated with it. The justification for the removal has yet to be provided to staff. There will not be any authorization for payment unless this is provided. The road was opened to traffic on March 15, 2004. Final acceptance pending review of final pay request.

(2) Phase 2 Extension (Spur 21). Under construction. The scheduled completion in November 2003, was not be met. A time extension is pending. This project is being funded by a County Contract with GDOT and the local matching funds are being provided by the Branigar Organization. The County is providing administrative services only. The storm drain work is 90% complete. Grading on the roadway continues. Layout for the curbing is in progress. A change order is pending due to an alignment correction to match up travel lanes between the Phase I and Phase II.

c. Central Avenue (West), Leghorn, Billings, Ridgewood and Fallowfield Drive. Construction contract approved on October 11, 2002. NTP for Central, Ridgewood and Fallowfield was issued October 23, 2002. NTP on Leghorn and Billings was issued on September 23, 2003. Fallowfield Drive is substantially complete. Curbing and gravel base have been installed on Ridgewood Avenue and Central Avenue (West). Contractor has begun clearing on Leghorn and Billings. Estimated completion is June 2004.

d. Glade Street. Constructed by County contract. Project is complete. Awaiting final acceptance by the GDOT.

RECOMMENDATION: For information.

Districts: All

SUMMARY OF ROAD PROJECT STATUS

March 2004

PROJECT	ELEMENT	MILESTONE FOR COMPLETION	AGENCY RESPONSIBLE	NOTES
Truman Parkway, 3-A 3-B	Construction	Unknown Mar 2004	GDOT GDOT	Possibly October 2004
Truman Parkway, Ph 4	Construction	Unknown	GDOT	Possibly October 2005
Truman Parkway, Ph 5	Design Construction	Sep 2004	County GDOT	Let LR / CST LR
Pooler Parkway, Ph 2	Construction	Mar 2004	GDOT	
US 17 Widening - SR204 to SR307 - Ogeechee River to SR204	Construction Construction	Mar 2004 Sep 2004	GDOT GDOT	Slipping monthly.
Stephenson Avenue Widening	Construction	Nov 2004	County/GDOT	
Middleground/Montgomery Cross Road, Phase 2 (Widening)	ROW Design Construction	Feb 2004 Mar 2004	County County GDOT	Complete. Let 05-04/CST FY 2004
Jimmy DeLoach Pkwy, Ph 2	Environmental ROW Construction	Unknown	County County GDOT	Final EA at GDOT/FHWA Let 07-04/CST FY 2005
Whitfield Avenue Widening	Environmental Design ROW Construction	Feb 2004	County County County GDOT	EA/FONSI signed Feb 13 Staff preparing schedule Let FY 06/CST FY 2006
Diamond Causeway Widening	Environmental Construction	Unknown	County GDOT	Let FY LR /CST LR
Skidaway Road Widening	Environmental ROW Construction	Unknown	County County GDOT	Final EA at GDOT/FHWA Let FY 09/CST FY 2009
US 80 Widening - Bull River to Lazaretto Creek - I-516 to Victory Drive	Environmental Environmental	Unknown Unknown	GDOT GDOT	Let 07-04/CST LR Let FY ? /CST FY 2009
White Bluff/Coffee Bluff	Environmental	Unknown	County	Let ? /CST FY 2007

Eisenhower (Abercorn to Truman Parkway)	Environmental		County	Concept Report pending approval.
Abercorn (Largo Drive to Rio Road)	Environmental		County	Concept Report pending approval.
Bay Street from I-516 to Viaduct	Environmental	Mar 2005	County	

NOTES: CST = FY in which GDOT has currently programmed the project for construction based on balancing funding among the Congressional districts. Dates are from the GDOT database and CUTS 2004-2006 TIP. Where the GDOT datatrieve report does not provide a Let Date (indicated by ?), it is assumed to be the same as the CST FY date.

AGENDA ITEM **XIII-3**
DATE: April 30, 2004

TO: Board of Commissioners
THRU: R. E. Abolt, County Manager
FROM: A. G. Bungard, P.E., County Engineer

ISSUE: To provide information on the status of Chatham County drainage projects.

BACKGROUND: For construction contracts that have been awarded, this report provides the latest scheduled completion dates. For projects pending environmental permits, start dates are best estimates. All project scopes include varying degrees of canal widening, bank stabilization, larger bridges and culverts.

FACTS AND FINDING:

1. Pipemakers Canal
 - a. Phase 1 (From the outfall at Savannah River to SR 21). Double channel size, replace bridges, replace tide gate, and provide maintenance access.
 - i. The County awarded the contract for construction to Phoenix Construction on July 25, 2003. By Change Order, the completion date is January 2005.
 - ii. All remaining rights-of-way and permits are now in place to enable the construction contractor to continue work beyond SR 25.
 - b. Phase 2 (From SR 21 to I-95).
 - i. Hydraulic analysis is complete. Preliminary construction drawings and right-of-way plats have been reviewed by Staff and returned to the consultant for corrections.
 - ii. Staff continues to pursue additional rights-of-way for permanent access to the area west of SR 25. Work to-date by the County's right-of-way consultant indicates appraisals may be required to establish fair costs for the needed acquisitions in the area adjacent to SR 21. Construction documents for clearing and preliminary grading work that can be accomplished at SR 21 without the need for permits from the USACE as soon as the extent of available right-of-way can be ascertained.
 - iii. Environmental permitting work is in progress, including the "Kahn Property" mitigation site.
 - iv. Staff submitted an Intergovernmental Agreement to the Savannah Airport Authority for realignment of a portion of the canal on the airport property. The agreement with the Airport Authority outlines responsibilities and expectations. No response from the Authority has been received.
 - c. Golf Course (section of Phase 2 on Airport property). Widening of this section of canal completed in 2000. Construction of a golf cart bridge over the canal obstructed access to a section of the canal. Staff has included resolution of this issue in the Intergovernmental Agreement described above for relocation part of the canal.
 - d. Kahn Mitigation Site. Design work is underway. The final mitigation package for Phase 2, which includes the Kahn Site, must be coordinated with the realignment request of the Airport Authority.
2. Hardin Canal
 - a. Phase 1 (From SR 307 to I-16). Widen channel and replace bridge crossings.
 - i. ROW and construction plans are complete, however revisions may be necessary depending on the revised permit application being approved. Acquisition of canal ROW on hold pending details of SR 307 widening (12 parcels impacted).
 - ii. Formal permit application submitted to USACE in July 2001. In a letter from the USACE dated December 19, 2003 the USACE informed the County that a permit would not be issued based on continuing formal objections by resources agencies. Staff has revised the design of the project and resubmitted the permit application.
 - iii. The USACE is in the process of preparing the necessary permit and Case Document, expected to be complete by June 2004. If agencies continue to object, the Case Document will have to be forwarded to the USACE Atlanta office for review which will delay issuance of the permit.

- b. Phase 2 (Crossing at SR307). Enlargement of crossing under Dean Forest Road (SR307) is included with the concept plan for widening SR307. Concept plan review with GDOT held on December 2. Pending approval by the GDOT.
 - c. Phase 3 (From I-16 to Pine Barren Road). Widen channel and construct a detention pond. No target construction date.
3. Westlake/Springfield Canal
- a. Phase 1. Crossing and channel improvements from Perimeter Road on Hunter Army Airfield downstream toward the Forest River.
 - i. Completed January 2002.
 - ii. Warranty corrective work was completed and accepted by the County and HAAF as complete in April 2004.
 - b. Phase 2. This phase consists of acquiring flood-prone properties and the additional land needed to provide additional stormwater retention in the area.
 - i. Appraisal work is nearly complete. Seventeen appraisals are completed. Eleven are under review by staff and six have been approved and forwarded to the right-of-way consultant to prepare offers.
 - ii. The grant application to GEMA to defray a portion of the cost of property buyouts has been submitted. The determination by GEMA, originally expected in January and still not received, has Staff considering options including proceeding with the work without the grant.
 - iii. The design work on the CSX railroad undercrossing is underway. The consultant has preliminarily informed Staff that a single 10-foot diameter pipe may be sufficient to meet the hydraulic needs of the project, substantially smaller than earlier designs. The preliminary Design Report is expected by May 2004.
4. Placentia Canal
- a. Phase 1. Tidegate at Bonaventure Road. Completed February 1999.
 - b. Phase 2. Crossing and channel widening from Bonaventure Road to Shell Road in Thunderbolt. Completed October, 2002. A small contract for improvements to correct drainage in a side yard near Victory Drive was finished in April 2004.
 - c. Additional work to correct a drainage problem along Tennessee Ave. and to improve the appearance of the canal near the Bonaventure Bridge is underway. The first phase of this work is to acquire necessary survey information.
5. Atlantic Creosote/Phillips Canal. Widen/realign the canal, replace culvert, and replace tidegate. Project completed September 2002.
6. Conaway Branch Canal (tributary of Pipemakers Canal). Primarily widen channel with some road crossing improvements and a maintenance road. Project to be constructed in two phases.
- a. Phase I includes channel improvements and crossing upgrades north of Main Street to Pipemakers Canal.
 - i. Analysis and recommendations are complete. Public information meeting held on May 21, 2001. Design of improvements complete based on public comments. Staff has reviewed preliminary construction drawings and returned to the consultant for corrections.
 - ii. Preliminary right of way plans are complete. Title searches are underway. The consultant is proceeding with wetlands permitting, coordination with GDOT for the crossing at Highway 80, and preparation of final right of way plans.
 - b. Phase 2 includes improvements to system south of Main Street to Hardin Canal. The plan to improve drainage south of Main Street will require an Intergovernmental Agreement with Bloomingdale.
7. Little Hurst Canal. Improve crossings under SR 21 and railroad, and widen channel downstream of SR21. Hydraulic analysis and recommendations were completed in 1998. Review of these recommendations by a second consultant has been completed. Recommendations are under review by Staff.
8. Wilmington Park Canal.
- a. Phase 1. (Construction of tide gate) Completed September 2002.
 - b. Phase 2. Widen channel and improve culvert crossings under Clarendon, Winchester and Wilmington Island Road.
 - i. Received permit from USACE on July 5, 2002. Title searches of affected properties are complete. Design revisions to include City's force main underway.
 - ii. Revised right of way plans to accommodate additional easements for City's force main are complete.
 - c. Phase 3. Project limits have been identified.
9. Louisville Branch Canal (tributary of Pipemakers Canal). Provide maintenance road downstream of US80. Some preliminary work for design and permitting has been done, but this project is not accessible until the right-of-way is acquired for the Pipemakers Canal.
10. Kings Way Canal. Widen channel and enlarge culverts east of Whitfield Avenue to Vernon River.
- a. Improvements to crossing of the canal under Whitfield are being constructed as part of GDOT's Truman Parkway, Phase 4 project.

- b. A consultant hired by the County has started to design the remainder of needed improvements upstream and downstream of Whitfield. Survey work has been completed and the preliminary design work is underway.
11. Grange Road Canal. Coordination of the concept plan with GPA and Port Wentworth is on hold pending alignment and right-of-way issues on GPA property. Dedication of Savannah Electric power line easement along Grange Road has detrimental impact on the preferred route.
12. Talmadge Avenue Canal. Small project that will involve acquiring right-of-way to construct a maintenance road and to make minor improvements to the channel. Preliminary right of way plats were completed in 1997. Staff has reviewed the completed work. Staff has hired a consultant to evaluate the work in regard to current conditions and needs. A preliminary report is expected in April, will be submitted by May 2004. From this work, Staff will determine if right of way acquisition can be started or if there is a need for further engineering work.
13. Romney Place Drainage.
- a. Phase 1. Improve drainage along Central Avenue. Completed October 2001.
- b. Phase 2. Improve storm drains and road crossings. No target date.
14. Village Green Canal.
- a. Phase 1. Upgrade culvert under Cambridge Drive. Completed October 1999.
- b. Phase 2. Staff has accepted the consultant's recommendations for improvements. Staff has enlisted the help of Mosquito Control to establish project need and purpose to facilitate wetland permitting. Mosquito Control is currently investigating the site. Wetland delineation has been approved by the USACE. Staff is conducting a citizen drainage survey to further help establish project need and purpose for permitting.
15. Port Industrial Park. Increase the capacity of the crossing under State Route 307 and improve the channel downstream to Pipemakers Canal.
- a. The crossing under SR 307 is being coordinated with the GDOT proposed SR 307 widening project from R.B. Miller Road to SR21. Design of the project to improve the canal downstream from SR307 to Pipemakers Canal is complete. The wetlands permit has been signed by the County Engineer and was approved by USACE District Engineer on September 24, 2002.
- b. Right of way plans for original design are complete.
- c. Design changes requested by Staff, intended to improve the hydraulic function of the system over the previous design has been submitted to GDOT for approval. To expedite the project, the County proposed to GDOT to include construction of the crossing under SR 307 as a County Contract. GDOT has concurred with this proposal. Staff has directed the Consultant to coordinate with GDOT to establish scope of services and to prepare a proposal for the additional engineering work.
16. Louis Mills Canal. Widen channel from Veterans Parkway downstream to outfall at Westlake Canal and improve crossing under Marshall Avenue.
- a. Staff has accepted recommendations to return a portion of the Redgate Canal drainage system back into the Rahn Dairy Canal. This recommendation allows for reduced drainage capacity needs in the Louis Mills Canal system.
- b. Wetlands delineation, permitting and preliminary design are underway.
17. Redgate/Rahn Dairy (part of Louis Mills). This drainage improvement project will intercept approximately 400 acres of drainage area from the Louis Mills Canal system, and divert the flow directly into the Salt Creek. Preliminary survey work has been completed. Engineering analysis and preliminary recommendations were completed by the consultant and reviewed by Staff in April 2004. Final recommendations are expected by June 2004.
18. Diggs Avenue Drainage (part of Louis Mills). This drainage improvement project involves improving drainage at the east end of Diggs Avenue. Staff has concluded a preliminary analysis and determined that right of way is not available to perform needed improvements. Staff has directed the County right of way consultant to initiate the Title Searches on the affected property.
19. Ogeechee Farms.
- a. Phase 1. Improve internal collector system south of Vidalia Road. ROW acquisition is complete. The Board approved award of a construction contract on March 12, 2004. Construction is expected to begin by May 2004.
- b. Phase 2.
- i. The County has received the Section 404 wetlands permit from USACE. Staff expects to utilize the County's pending wetland banking instrument for this project's required mitigation.
- ii. The design is being revised to incorporate changes including an additional road undercrossing in the project and installation of box culvert sections instead of multiple pipes.
- iii. No target date for construction.
20. Fawcett Canal Phase 1. Widen channel and improve crossings from Georgetown downstream to crossing under Grove Point Road, and replace tide gate.
- a. Drainage improvements completed August 2002.

- b. The Construction Contract for the Georgetown Lagoon Improvements Phase 1 Project was approved by the Board on December 19, 2003. Earthwork for the project is expected to be completed by May 2004.
 - c. Staff has completed design of the second phase of the Georgetown Lagoon Improvements Project that involves the lagoons north and south of Dovetail Crossing. The Construction Contract for Phase 2 received no bids. Staff is considering options including negotiation of the work as a Change Order with the contractor that is doing Phase 1 of the work.
21. Quacco Canal. Improve Quacco Canal and associated road undercrossing capacity from Regency Mobile Home Park, near Interstate 95, beyond US 17 to marsh, including improvements to a private tidegate structure.
 - a. The County and Corps of Engineers are partnering on engineering and construction of improvements.
 - b. Staff has selected the preferred plan. The Public Notice period has been completed and responses to comments are being prepared by the USACE. The USACE is preparing the final Detailed Project Report. Design work by the USACE is anticipated to begin this summer.
 22. Quacco/Regency Park. Storm collector improvements to relieve severity and frequency of flooding within community. The consultant has been issued notice to proceed with the work that includes an engineering analysis of existing conditions and improvement recommendations. Preliminary survey work was completed in January 2004. Preliminary engineering analysis was completed by the consultant and reviewed by Staff in early March. The completed analysis is expected by May 2004.
 23. Halcyon Bluff Subdivision. Storm collector improvements to relieve severity and frequency of flooding within community. The final design documents submitted by consultant have been reviewed by Staff. Staff worked with a consultant to ensure that the proposed drainage improvements and the Whitfield Road project are coordinated. The consultant's recommendations have been accepted by Staff and directions have been provided to the design consultant to complete the construction documents for this project.
 24. Golden Isles Subdivision. Storm collector improvements to relieve severity and frequency of flooding within community.
 - a. Phase 1: Outfall improvements completed 1997.
 - b. Phase 2: Improvements to collector system. Staff review of consultant recommendations on original scope complete. Project scope expanded to address previously unknown flooding condition. Survey and design of additional area is complete. Staff review of recommendations underway.
 25. Henderson. Channel and crossing improvements to alleviate flooding in the subdivision.
 - a. Canal 1: Crossing and channel improvements on the canal parallel to Brown Thrush Road, from Al Henderson Blvd. to Little Neck Road. Survey and analysis are complete. Review of consultant recommendations underway.
 - b. Canal 2: Provide maintenance road for canal from Gateway Blvd. to Little Neck Road, through wetlands. Wetland delineation has been approved by the USACE.
 26. North Rice Mill. Right of way acquisition services to provide for drainage improvements to a local drainage system tributary to the Georgetown Canal. Staff has directed the consultant to begin acquisition of right of way and easements based on a preliminary design developed by the County. Staff will obtain the services of a consultant to prepare the final design and plans needed for construction.

RECOMMENDATION: For information.

Districts: All

Prepared by W.C. Uhl, P.E.

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EXECUTIVE SESSION

Upon motion being made by Commissioner Murray, seconded by Commissioner Kicklighter and unanimously approved, the Board recessed at 12:32 p.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel. [NOTE: Commissioner Thomas was not present.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 12:47 p.m.

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ITEMS FROM EXECUTIVE SESSION

1. **REQUEST BOARD AUTHORIZE CHAIRMAN TO EXECUTE RELEASE TO SETTLE PROPERTY DAMAGE CLAIM OF TIFFANY AND JOSHUA SMASHUM (JON HART).**

ACTION OF THE BOARD:

Commissioner Murray moved to authorize the Chairman to execute a release to settle the property damage claim of Tiffany Smashum and Joshua Smashum in the amount of \$875.64 as a result of an accident which occurred on or about the 5th day of February, 2004, at or near the intersection of Highway 204 and King George Boulevard. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers, Odell and Thomas were not present when this vote was taken.]

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2. 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 McMasters moved to authorize the Chairman to execute an affidavit that the Executive Session was held in compliance with the Open Meetings Law. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers, Odell and Thomas were 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 12:48 p.m.

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APPROVED: THIS _____ DAY OF _____, 2004

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

SYBIL E. TILLMAN, COUNTY CLERK