

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, AUGUST 13, 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 9:24 a.m., Friday, August 13, 2004.

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**II. INVOCATION**

Commissioner McMasters gave the invocation.

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**III. PLEDGE OF ALLEGIANCE**

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

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**IV. ROLL CALL**

The Clerk called the roll.

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

Candidates for the 2004-2005 Youth Commission who were in attendance were Danielle Cummings, Leslie Walker and Steven Watson.

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## V. PROCLAMATIONS AND SPECIAL PRESENTATIONS

### 1. G-8 STAFF RECOGNITION (PHILLIP WEBBER).

Chairman Hair said, the first thing on our agenda this morning is proclamations and special presentations. I'm going to call on Phillip Webber, CEMA Director, to give some G-8 staff recognitions. Chairman Hair recognized Mr. Webber.

Mr. Phillip Webber said, good morning, Mr. Chairman, Dr. Thomas, members of the Commission. Thank you very much for allowing me a few moments here this morning, and we'll get some final closure on this G-8 Summit. The presentations that I'd like to make this morning are coming on the heels of presentations made by Chief Flynn and the City of Savannah recently, a wonderful award ceremony that they had recognizing folks from around our community for G-8. But due to scheduling I wanted to present something here this morning just for our County folk to publicly thank you for your support during the G-8 Summit. I think the G-8 Summit was covered and we've read about it and it's been covered sufficiently. I won't go back into the details of it except to tell you and to remind our community that it was a monumental task in planning for that event and it was the largest mobilization of law enforcement and public safety officials in this region of Georgia in the history of Georgia. So you can imagine all the planning and all the preparedness that went in —, that took place for that event and then the actual mobilization of the operation itself. We are very thankful that it was a safe event, but without further ado I'd like to recognize some folks that worked directly with the County and with Chatham Emergency Management Agency to make sure that this was a successful event.

First, I have —, I'd like to —, as I call I'd like you to step forward if you would. The first person I'd like to recognize is Mr. Pete Nichols. Pete [Nichols] is a one man public information department for the County. As you know, he's the Cable Access Coordinator here for Chatham County. He is also the Public Information Specialist for the County Commission and Pete [Nichols] has been a wonderful asset for Chatham Emergency Management over the years. He is always there for us 24 hours a day, volunteers to work with us. He's worked very closely with the public information folks from the City of Savannah. I'm trying to think of Mike —. Mr. Nichols said, Wilson. Mr. Webber said, — Mike Wilson, excuse me. Mike Wilson with the City of Savannah. They ran a state of the art public information office over at the G-8 Command Center and we just really appreciate everything that Pete [Nichols] does for us. Thank you, Pete [Nichols].

Next up is a member of the ICS Department, our Internet communication folks, our IT people. They had the monumental task of moving the Chatham Emergency operation center to an alternate site. That facility had to be completely set up to handle 50-plus work stations, state of the art technology that took fiber and cabling and networking and stuff that's way over my head. It would take a team of people of probably a dozen or more to do that in some other places and we had it done with about two people from our IT Department. There's folks with me who said it couldn't be done. These folks got it done and we want to recognize first Ricky Morgan. Second from ICS is Dustin Hetzel. Dustin, thank you very much. Not only did these two gentlemen get it set up and get the instant command center set up and running, they stayed there on a 24-hour a day basis. Either Ricky [Morgan] or Dustin [Hetzel] was in that ICC for the duration of the period. Two people making sure that all those networks from federal, state and local offices that were networking literally all over the country stayed up and running, and we really appreciate your commitment to that. I know you were tired after that was over.

The third from the same department is Anna Maria Thomas. If you work for the County and in anyone of the County campuses today, you picked up your phone and you got a dial tone, you need to thank this lady right here. She is a one-person phone company literally, and you'll see her traveling around the County in her van and she's carrying a cart with boxes on it about as tall as she is. She set up an operation center over there that worked flawlessly and you take the phone for granted, but where would we be without it. She took it —, a mission on her shoulders with one person and she made sure that all those phones were set up. She took them out of our Op Center, moved them to another one. She was there, she took care of it and she followed up, and we just really appreciate what you did, Anna Maria [Thomas]. Thank you so much. Ms. Thomas said, thank you.

Mr. Webber said, next is we're going to recognize an entire agency here. About half of it is probably [inaudible], but Mosquito Control, Henry Lewandowski and in particular Susan Bruce is here this morning. They support this agency more than you would recognize. Henry [Lewandowski] just doesn't stop with Mosquito Control. It's just not enough to kill mosquitos in our region. Henry [Lewandowski] is into search and rescue and law enforcement and damage assessment and is really dual purpose, getting great bang for your buck out of Mosquito Control. They're an all purpose agency. Susan [Bruce] came over and helped manage the public information staff that was over there. We had a great volunteer staff, as we said, that was working over there. Susan [Bruce] managed that. She was —, she managed a lot of phone operators over there, took hundreds and hundreds of calls from our public. Public information is probably the most key components of any type of operation. We just really appreciate the support we get from Henry [Lewandowski] and his folks and in particular Susan Bruce. Just thank you very much for all your did. Ms. Bruce said, thank you. Mr. Webber said, and we'll expect to see you downstairs this afternoon.

The next presentation, Colonel George Bowen [phonetic] is here from the Board of Education. We want the Colonel to come up. He is the Deputy Superintendent at the Board of Education, Savannah-Chatham County Board of Education. We went to Colonel Bowen early on as we were preparing for the G-8 Summit. We needed staging areas, we needed space, we needed support, we needed food for thousands of public safety officials and people that were coming down here for the G-8 Summit. We went shopping with the Board of Education. Immediately Colonel Bowen, recognizing the scope of the department, said, "Anything you want, anything we can do for you, you can count on us," and they came through with that. And it was a huge, huge benefit to this operation. It could not have happened without the partnership that we had with the Savannah-Chatham Board of Education. And, in addition, they fed thousands of public safety personnel thousands

of meals. My thanks to you Colonel Bowen and my thanks to Althea Maynard [phonetic] and everybody that assisted our community. Thank you so much. Colonel Bowen said, my pleasure.

Mr. Webber said, the final department that I'd like to recognize is Savannah Area GIS, SAGIS. John Brannen is with us here this morning. That's a true partnership in our community of private industry, municipality and County folks. You might think what does SAGIS do for these type of operations. It's very important to be able quantify a map where things are happening, where your resources are, where damage is, where flare-ups are. These folks come in and do magic with computers that's way over my head, but what they do is they work as a force multiplier and an asset to the first responder community, and they came over there and developed maps for us, brought technology into that room where we were able to place things on maps and move troops around. I really appreciate everything you did, John [Brannen], and SAGIS and I look forward to working with you in the future. Thank you. Mr. Brannen said, thank you very much.

Mr. Webber said, our next presentation will be by Chairman Hair, who is going to come forward for our next recipient. Thank you for your patience this morning.

Chairman Hair said, I'd like to present a letter of commendation to Mr. Dan Stowers, if he would come forward please, and I want to read this into the record before I give it to him.

**Mr. Daniel J. Stowers**  
**Deputy Director**  
**Chatham Emergency Management**  
**124 Bull Street**  
**Savannah, Georgia 31401**

**Dear Mr. Stowers:**

**On behalf of the Chatham County Commission and the citizens of Chatham County, it is with both pride and gratitude that I acknowledge your outstanding performance.**

**On July 15, 2003, President George W. Bush announced that the 2004 G8 Summit would be held in coastal Georgia. The potential impact of an international event of this magnitude on our fragile historical community was staggering. With your customary enthusiasm, you accepted the assignment as senior planning representative for the Chatham Emergency Management Agency on the Savannah-Chatham Metropolitan Police Department multi-agency G8 planning staff.**

**Over the next eight months, you worked tirelessly to ensure the dozens of federal, state and local agencies, departments, and organizations were engaged in a comprehensive planning effort. The task of identifying the resources and needs of representatives from the public sector, private sector, civic groups, and volunteer organizations was monumental in scope. The G8 proved to be the largest single mission of planning, training, and deployment of law enforcement and public safety personnel in the history of the State of Georgia. You pursued your leadership responsibilities in this mission with enormous energy, dedication and professionalism.**

**Your efforts along side your co-workers on the G8 planning staff resulted in one of the most successful events of its kind in history. I commend you for your dedication to duty, your exemplary performance and your service to the citizens of Savannah and Chatham County. You are a credit to your profession and your community.**

**Sincerely,**

**Billy B. Hair, Chairman**  
**Chatham County Commission**

Mr. Stowers said, I just want to say a few things. The local County CEMA employees were over there as well as the City. It was very —, it made me very proud to know that we had the County staff behind us that really pulled this off. Two and a half months ago in an expanded staff meeting I told you that, hopefully, the G-8 would be a non-event and all the planning that went into it would only make us better prepared for a hurricane. In about 20 minutes we're going to go get ready for a hurricane as soon as we get done talking about the G-8. We are —, I got the chance to go up to Boston and talk to them just prior to their getting ready for the Democratic National Convention and they were still talking about what went on down here in Savannah, Chatham County, so even though we've got two political conventions that are going to go on this Summer, I still think that the work that this County and the whole City and County employees did will be talked about for years, and I want to personally thank you for all the support and help that you provided me to bring to the G-8 Summit. Thank you.

Mr. Webber said, Dan [Stowers], this is something that I'd like to give you from CEMA and —, to go in conjunction with the letter from the Chairman. It's a privilege and an honor to work with a person of your caliber and quality. We really appreciate everything you did for this community. We appreciate the partnership that you've made stronger with the City of Savannah, and I just couldn't be more proud of another staff member. Mr. Stowers said, thank you.

Chairman Hair asked, could you give us a brief, very brief update on the hurricane?

Mr. Webber said, Hurricane Charley is expected to be a, more like a Category 3 storm as it makes landfall at Tampa Bay area of Florida later today. Its winds are forecast to diminish pretty rapidly after that. Fast forwarding to the effect on Chatham County and Savannah area, we're expecting some winds after midnight tonight. Those winds could increase, as we were told by the Charleston Weather Service early this morning, to a worst case scenario for our area of 40 to 50 mile an hour sustained winds overnight tonight into Saturday morning. It could be accompanied by three to five inches of rain over that forecast period and we could have a couple of feet of storm surge on top of that. Now, we don't feel like the storm surge is going to cause any flooding problems because we have one of the lowest high tides of the year coming up tomorrow morning. We have been instructing our community and will continue to do to instruct the community to be prepared to shelter in place tonight, make preparations to clean up around the house, your home, any loose objects that are around, make sure that you have some battery-powered lighting devices, flashlights, these type things, maybe some extra water, a first-aid kit, but this is a shelter in place type storm. Crews will be standing by to attend to power outages tomorrow. We could expect some power outages from this storm, we could expect some wind damage to dead limbs and so forth, possibly some tree damage, but the power company folks will be standing by tomorrow and be ready to respond and the Emergency Operation Center will be activated tonight.

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

Commissioner Kicklighter said, I want to thank Phillip Webber. People often ask, well, what exactly does the County do and what do you do as a Commissioner, and you —, what you do provides a service in leading a group for CEMA. I think you're probably the most valuable resources we have and that we provide here, and working with you I guess ever since I was mayor out in Garden City, I just really appreciate all of your work. I was able to look at my daughter last night with her fear of this hurricane coming and without hesitation just say, look, I said, "Daddy, works with the man that will let us know if we need to leave town." And I think all of Chatham County and the areas around here, they can feel good that, listen to you, you're coordinating it, you do an awesome job and if we all listen to you then I think things are going to turn out well. And that goes back from the past with the hurricane experiences to what y'all do when we had the bridge repairs and you shuttled people back and forth in golf carts to help them get back and forth to their house, with the G-8 and everything. I just —, I really do appreciate what you provide here and I think y'all are doing an excellent job.

Mr. Webber said, thank you, sir. I'm proud to serve. There was one other thing, Mr. Chairman, I'm sorry, but I failed to mention this morning. You notice I don't work with notes, I just try to do it by memory, but there's one other group I needed to thank, and I mean this sincerely. I wanted to thank every member of this Commission for the support during the G-8 Summit and prior to the G-8 Summit. Not only the Chairman and other representatives go up and lobby for the money to come to our area to help pay for this, which was unprecedented, I mean, it's never happened before. The money is already being sent out to recipients, the people that participated in G-8, but you did —, you took it a step further, and as a Commission I remember sitting here and listening to you say, "We're going to commit to do this if we don't get a penny?" And you did that unanimously, and we —, I felt terrific about that. I had somebody tell me early on from the State, they said, "Well, Phillip, I guess that the worst-case scenario is that you'll get caught —, you guys will get caught left holding the bag down there for some funds after G-8." I said, "No, sir. The worst-case scenario is that we won't be ready to carry out the mission." You supported that from the beginning and I appreciate your support. Thank you.

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

Commissioner Murray said, Phillip [Webber] I just want to say we don't get an opportunity too often to say something to you in public, in a public meeting, of what's going on, but I agree a hundred percent with Commissioner Kicklighter and his comments. I've watched this department that you head up since you've taken over and I've seen a tremendous change in that and attitude with everyone in your department, and the way you've been able to bring the different organizations and law enforcement and emergency people together to me says an awful lot, and I just, as one Commissioner, and I'm sure this whole Commission would say that we certainly appreciate your professionalism and what you're doing and the support that you've given this community because you keep everybody abreast of what's going on, and I thank you for that. Thank you. Mr. Webber said, you're welcome, sir.

Commissioner Rivers said, Phillip [Webber], you know, for all that you do, you know I'm concerned about you. I'm down there maybe three, four, five times a year bringing people through, so I understand what your department does. But in giving out the kudos, I hope that we, Mr. Chair, that we would give something to Representative Congressman Kingston, who was responsible for getting that \$26,000,000 into the budget and we need to thank him for that.

Chairman Hair said, I think that's an excellent suggestion, Commissioner Rivers. I think that's very appropriate and I will make sure that happens. Thank you. Commissioner Rivers said, thank you, Billy [Hair].

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**VI. CHAIRMAN'S ITEMS**

None.

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## **VII. COMMISSIONERS' ITEMS**

### **1. RESOLUTION TO BOARD OF ASSESSORS ON MUSEUM TAX (COMMISSIONER MURRAY).**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, there's been a lot of things back and forth about the museums and whether or not the museums will be taxed and whether or not it's —, they can be taxed or not, and this is just simply a resolution, not coming down on anyone. It was sent out so they've had it in their packet well in advance to read over, but I would request that we approve this resolution today and that it also be sent not just to the Board of Assessors, but it also be sent to our local delegation because if, in fact, there needs to be a change or a clarification within the State law, then they need to be the ones to take it to Atlanta and get that change for us. So I would —. Chairman Hair asked, is that in the form of a motion? Commissioner Murray said, — yes, in the form of a motion.

Chairman Hair asked, second? Commissioner Rayno said, second. Chairman Hair asked, any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present when this vote was taken.] Chairman Hair said, the motion passes.

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

Commissioner Murray moved that the Board adopt the resolution regarding taxing the museums in Chatham County and that the resolution be sent to the Chatham County Board of Assessors and the local delegation. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present when this vote was taken.]

### **RESOLUTION**

**WHEREAS**, the Chatham County Board of Assessors seeks to diligently follow the letter and the spirit of Georgia's tax assessment laws; and

**WHEREAS**, in their diligent efforts, the Board of Assessors has sought to clarify the tax status of Chatham County's museums, unintentionally causing considerable concern and anxiety among museum leaders and the community at large; and

**WHEREAS**, the public museums of Chatham County offer a wide variety of educational and informative programs and exhibits to our citizens and visitors alike; and

**WHEREAS**, it is the intention of this Commission, as well as most of Chatham County's citizens, that our valuable public museums not be subject to property taxes; and

**WHEREAS**, on first survey, it appears that no other county in Georgia subjects their public museums to property taxes, nor should Chatham County.

**NOW, THEREFORE**, be it resolved that the Chatham County Board of Commissioners strongly urges the Board of Assessors to delay any action on tax status of our public museums until a full inquiry is made as to how other Georgia counties address this issue, and until the state legislature has had an opportunity to review state legislation.

**BE IT FURTHER RESOLVED**, should the laws of Georgia require clarification of property tax exemption of public museums, the Chatham County Board of Commissioners respectfully request our legislators to promptly make such clarification.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia, to be affixed on this, the 13<sup>th</sup> day of August 2004.

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Dr. Billy B. Hair, Chairman

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Sybil E. Tillman, County Clerk

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### **2. OSTEEN ROAD BRIDGE REPAIRS (COMMISSIONER KICKLIGHTER).**

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. A while back the Commission dedicated \$40,000 to bridge repairs on Osteen Road, and that was to go to Bloomingdale for them to repair that bridge and —, before they actually

annexed the bridge into the City, but hearing their fears they would rather the County fix the bridge first and then they would consider annexing, so at this time after talking with the County Manager I realize that we have more pressing needs. A bridge in District One is, I guess, more in an emergency type situation. So at this time I would like to make a motion to dedicate the \$40,000 to the bridge repairs in District One and also ask for conceptual approval, if funds are available, for the \$40,000 in next year's budget. Chairman Hair said, so moved. Second?

Commissioner Rayno said, I'll second that and I'd like to just have a little discussion before we vote. I'd like to thank Mr. Kicklighter for that generous offer. Faye Drive has a bridge that's got apparently a three-ton limit, which means it can only handle 6,000, which means a school bus can't go over that bridge, a garbage truck can't go over that bridge. Any major emergency vehicle cannot go over that bridge, and it would service 40 homes over there, and so it's a critical situation. It was caused by a barge that hit this particular bridge. I would ask, if we could, that we possibly look into finding out whether we could subrogate any claims against that barge which hit the bridge, but also I would ask staff to meet with Mr. Lewis over there, who built the bridge and see if there might be alternatives that are less than \$80,000 recommended price for repairing the bridge. And I would like to be involved in that meeting if I could please.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I just want my —, the residents in Bloomingdale to know that this offer here, that the \$40,000 in repairs needed on that bridge it's basically minor repairs and it's not an emergency situation whatsoever. The bridge will be fine. You know, if it was emergency I definitely wouldn't make that offer, but Mr. Rayno's district needs it more right now.

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 Odell was not present.] Chairman Hair said, the motion passes.

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

Commissioner Kicklighter moved that the \$40,000 which was previously designated for repairs to the Osteen Road bridge be dedicated to bridge repairs in District One and that the Board conceptually approve \$40,000 in next year's budget, if funds are available, for the Osteen Road bridge repairs. Commissioner Rayno seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

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### **3. APPEARANCE BY THE HEAD COACH CURTIS FOSTER AND THE SAVANNAH PANTHERS (SEMI-PROFESSIONAL FOOTBALL TEAM) TO ANNOUNCE THEIR 2004-2005 FOOTBALL SEASON (COMMISSIONER THOMAS AND COMMISSIONER RIVERS).**

Chairman Hair asked, Dr. Thomas, are you or Commissioner Rivers, which one's going to make the presentation or the —? Commissioner Rivers said, Mr. Foster will come forward. Chairman Hair said, okay. Commissioner Rivers said, Mr. Chairman, it's almost self-explanatory. [Inaudible] season opening.

Mr. Curtis Foster said, good morning. Thank you, Commissioner Thomas and Commissioner Rivers. Also, I'd like to thank the Chatham County Youth Commission, which have joined forces with this organization. Savannah Panthers is not just a semi-pro football team. We also work with a lot of young men trying to get their —, further their education in college. We have a lot of young that play with us and may have problems with their SAT or something like that trying to get in college. Those are some of the things that we do with these young men. Also, we give some of these guys a second chance that has graduated from college to try and schedule to the next level of furthering their career in the professional ranks of football. We also have a youth group that we are working with the young kids too as well. Those are trying to get a building where we can bring a lot of young kids in to try to help them with their education and help them do things. We are trying to work out a program where we can award to young men scholarships to go to college. We have been ranked number 9<sup>th</sup> in, based on last year, the South. This year in the top 50 in Minor League Football we are number 26. We've been in Savannah for approximately seven years. We are going stronger than what we have been before and we're just trying to get support of the community of Savannah. We are trying a lot of things in the community here and we come here to ask the Commission to please support us to help us make —, be successful here in the area of Savannah, Georgia. Chairman Hair said, we're glad you could be here. Mr. Foster said, also I would like to leave these here.

Chairman Hair recognized Commissioner Thomas.

Commissioner Thomas said, I would just like to say thanks to Coach Foster and his team. They have played a major role in working with the Youth Commission and other young people of this community. Just this past Summer they held a clinic over at the YMCA and they did an outstanding job in helping to keep these young people off the streets so that they can be into positive settings and I want to commend them because these are things that they don't really have to do, but I think it's very fitting that they become a partner in this kind of thing and helping to mold our young people, so I just want to say thank you so very much and keep up the good work and continue to work with us and hopefully we will be able to make a difference in their lives. Mr. Foster said, thank you.

Chairman Hair said, thank you, Coach. We appreciate you being here.

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**VIII. TABLED/POSTPONED ITEMS**

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

1. **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. (See memo of the 6<sup>th</sup> of May responding to additional questions on this matter). *At meeting of May 14, 2004, item was tabled to the first meeting in July. Note: Request this be delayed until the August 13, 2004, meeting.***

Chairman Hair said, it was agreed in pre-meeting we would leave Item #1 on the table.

**ACTION OF THE BOARD:**

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

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2. **REQUEST BOARD APPROVAL OF A PLAN TO INSTALL A TRAFFIC MONITORING CAMERA AT KING GEORGE BOULEVARD AND ABERCORN STREET FOR PURPOSES OF PUBLIC SAFETY AND DESIGNATE FUNDS FROM VIOLATIONS INTO A RESTRICTED ACCOUNT FOR THE SAVANNAH-CHATHAM METROPOLITAN POLICE DEPARTMENT. (Tabled at meeting of May 28, 2004, to enable staff to schedule meeting with neighborhood associations to obtain their input.) Note: This will be delayed until the August 13, 2004.**

**Board approval to enter into intergovernmental agreements with the Savannah Economic Development Authority to contract for installation of a traffic light video enforcement system at Abercorn Street/King George Boulevard and to contract with the City of Savannah for the system's operations and maintenance.**

Chairman Hair said, I'll entertain a motion to take it off the table. Commissioner Rayno said, so moved. Chairman Hair asked, second? Commissioner Gellatly said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present.] Chairman Hair said, the motion passes.

Chairman Hair said, I'll call on Commissioner Gellatly.

Commissioner Gellatly said, I'd like to make a motion for approval on this camera at the traffic light at 204 and King George Boulevard. I think that it's a good program and I make a motion that we install it.

Chairman Hair asked, second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor —. Commissioner McMasters has a question.

Commissioner McMasters said, this concept I fully support. I don't want to have any lack of clarity on that. I would like to ask and know about the involvement of the Savannah Economic Development Authority and the staff report says that SEDA is going to advance the funds for this. Is that correct? County Manager Abolt said, that is true. Commissioner McMasters said, I want to point out that there is a separate agreement in number five that is a City of Savannah administration contract that in the pre-meeting we were told has not been drafted or there's no —, there's no detail or specificity and that I'm told would be forthcoming, which procedurally I guess is fine. Chairman Hair said, it will come back to us to approve it. Commissioner McMasters said, yeah. The question that I want to know is it says SEDA approached Chatham County because of it's interest in "wooing Nester Traffic Systems to relocate in this area. SEDA is interested in pursuing relocation of the company...." Where does SEDA —, what is SEDA's funding source, Russ [Abolt]? County Manager Abolt said, I'm not aware of their funding source. Chairman Hair said, primarily from the development and sale of property, investment property. County Manager Abolt said, the Chairman is much more familiar than I am. Chairman Hair said, yes. County Manager Abolt said, he's my —, he's my expert on this. Chairman Hair said, that's the primary source. That's by far the largest source of their revenue. Commissioner McMasters asked, and what is it again? The sale of —. Chairman Hair said, they develop industrial parks. They have a number of them around Chatham County and they develop and sell off the lots. That's how they make their money. Commissioner McMasters asked, are those properties paying property tax? Chairman Hair said, I have no idea. County Manager Abolt said, you'll recall the question came up [inaudible] payments in lieu of taxes and the County Commission entered into a contract with SEDA that in lieu of paying for industrial recruitment they would recognize that as an in-kind support of SEDA. Commissioner McMasters said, just as a procedural thing and then I think we're prepared to vote. Could I —, Russ [Abolt], would you contact SEDA and ask them to, if no one else is interested in it, I would like a copy of their funding paradigm. County Manager Abolt said, sure. Commissioner McMasters said, just to —. County Manager Abolt asked, their budget? Commissioner McMasters said, their funding sources if they can identify that. I'd appreciate knowing that. County Manager Abolt said, that's SEDA's

[inaudible]. Commissioner McMasters said, Russ [Abolt], if they have a audit. County Manager Abolt said, — if they wish to. Again, because the County has no involved funding, we have no entree to say you shall do this. Commissioner McMasters said, just as a request. Just as a request, just a friendly request. And that's it, thank you.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you. I just want to say that Commissioner Gellatly and myself, we support this, the installation of this light here because it will definitely have an affect on the —, both of our districts and hopefully that affect will be saving the lives of people that live right there in that Georgetown area pulling in and out every day, and hopefully it will help out across the County. So —.

Chairman Hair said, we have a motion —. Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, Commissioner McMasters, could I make a recommendation that rather than have staff go through this process with SEDA that maybe you make an appointment and go over and sit down with them and ask them the questions that you want direct and that way there's no miscommunication either way. It might answer a lot of questions for you that way. Commissioner McMasters said, we could do that, but there is something that cropped up if you recall recently relative to SEDA's mission, I believe, is to create economic prosperity, create local job growth, and drive the local economy and when we were discussing this, we asked —, I asked you all who have been here much longer than I if there had ever been any sort of specific detail on the number of local jobs created by virtue of SEDA's efforts and, if memory serves me correctly, no one on this Commission could ever remember receiving any information answering that question. So I think your suggestion is a good one, Frank [Murray]. I'll be happy to schedule that.

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

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

- a. Commissioner Rayno moved to untable this item and place it before the Commissioners for consideration. Commissioner Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]
- b. Commissioner Gellatly moved to authorize staff to proceed with a plan to install a traffic video enforcement camera at King George Boulevard and Abercorn Street for purposes of public safety and designate funds from violations into a restricted account for the Savannah-Chatham funds from violations into a restricted account for the Savannah-Chatham Metropolitan Police Department; enter into an agreement with SEDA for up-fronting all equipment, installation and maintenance expense for four (4) approaches, and a repayment process; enter into an agreement with the City of Savannah for all administrative expenses; request that GDOT approve Chatham County's installation of the system on a state highway, including possible installation of additional poles; and amend Chapter 12 ("Motor Vehicles, Roads, Streets & Highways") of *The Chatham County Code* to enforce violations. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioner Odell 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 APPROVAL OF THE FOLLOWING: FOUR ADDITIONAL POSITIONS IN THE TAX COMMISSIONER'S OFFICE, ONE ADDITIONAL POSITION IN THE LAND DISTURBING ACTIVITIES ORDINANCE SPECIAL REVENUE FUND, AND AN AMENDMENT TO THE FY2004 GENERAL FUND M&O AND SPECIAL SERVICE DISTRICT BUDGETS TO RECOGNIZE \$5,018 ADDITIONAL 50% DRUG SURCHARGE RESTRICTED REVENUE.**

Chairman Hair said, I'll entertain a motion to approve.

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

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

Commissioner Murray moved to approve the following: Four (4) additional positions in the Tax Commissioner's office, one (1) additional position in the Land Disturbing Activities Ordinance Special Revenue Fund, and an amendment to the FY2004 General Fund M&O and Special Service District budgets to recognize \$5,018 additional 50% Drug Surcharge restricted revenue. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

AGENDA ITEM: IX-1  
AGENDA DATE: August 13, 2004

DATE: July 28, 2004  
TO: Board of Commissioners  
THRU: R.E. Abolt, County Manager  
FROM: Linda Cramer, Finance Director

**ISSUE:**

To request approval of the following: four additional positions in the Tax Commissioner's office, one additional position in the Land Disturbing Activities Ordinance Special Revenue Fund, and an amendment to the FY2004 General Fund M&O and Special Service District budgets to recognize \$5,018 additional 50% Drug Surcharge restricted revenue.

**FACTS AND FINDINGS:**

- 1) The Tax Commissioner has requested approval for four additional Tax/Tag/Title Processor II positions to be funded through transfers within the adopted budget. A copy of correspondence is attached.
- 2) The adopted budget for the Land Disturbing Activities Ordinance Special Revenue Fund included funding for a Construction Inspector position. The department did not include the position in its request. Approval of the position is requested. A copy of correspondence is attached.
- 3) During FY2004, the Recorder's Court collections for 50% Drug Surcharge restricted revenue exceeded expectations by \$5,018. These funds are transferred to the General fund and used for purposes restricted by the state code. Amendments to the FY2004 General Fund M&O and Special Service District budgets are necessary to properly account for the final year end amounts received.

**FUNDING:**

Funds for the positions are in the adopted FY2005 General Fund M&O and Land Disturbing Activities Ordinance budgets. The budget amendments will establish funding in the FY2004 General Fund M&O and Special Service District budgets.

**ALTERNATIVES:**

- 1) That the Board approve the following:

**GENERAL FUND M&O**

- a) four additional Tax/Tag/Title Processor II positions in the Tax Commissioner's office
- b) a budget amendment to recognize \$5,018 additional 50% Drug Surcharge restricted revenue transferred in from the Special Service District

**LAND DISTURBING ACTIVITIES ORDINANCE FUND**

- a Construction Inspector position

**SPECIAL SERVICE DISTRICT**

- a budget amendment to recognize \$5,018 additional 50% Drug Surcharge restricted revenue.

- 2) Amend or deny the requests.

**POLICY ANALYSIS:**

State law grants the Board authority to amend the budget during the year as it deems necessary.

**RECOMMENDATION:**

That the Board approve Alternative 1.

Prepared by: Read DeHaven

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**2. BOARD AUTHORIZATION TO PROCEED WITH BOND ISSUANCE THROUGH THE DOWNTOWN SAVANNAH AUTHORITY ON BEHALF OF A NEW PROJECT (\$2 MILLION) FOR SABHC AND A RENOVATION/UPGRADE PROJECT OF \$1,080,000 ON BEHALF OF THE BOARD OF HEALTH.**

Chairman Hair said, I'll entertain a motion.

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

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, in the staff report from Mr. Monahan and as discussed in the pre-meeting, is there anyone in the audience from the Health Department or —. Commissioner Rivers said, yes. Chairman Hair said, Dr. Skelton is here. Dr. Skelton, come forward please. He is here. Commissioner McMasters said, good morning, Doctor. Dr. Douglas Skelton said, good morning. Commissioner McMasters said, I would like to know in this identified new source of recurring revenue of \$90,000 within your department, we received nothing, sir, helping us better understand those pass-along costs to your clients or patients. Could you help us better understand how that's going to be passed along?

Dr. Skelton said, Mr. Chairman and Commissioners, if I could before I answer that question, may I say that I've been in this community now six months. It's a privilege to be in Chatham County, to be involved with your health department, to be serving with Commissioner Rivers, who's a member of our board, Colonel Bowen is on our board. I've always loved Chatham and Savannah when I did my work with the Department of Resources in years past, and it's a wonderful opportunity to be here. We've had some challenges and I worked closely with Phil Webber on the G-8 activities and emergency preparedness. Our people are out there working that they can be sure that the health issues are ready to deal with whatever problems there are in the community as we go forward. So I look forward to the opportunity to meet each of you personally. I'm privileged for the opportunity to be serving with you. One of the things I noticed immediately when I walked onto the grounds of the Health Department, as I walked onto the grounds after the Search Committee meetings, is that we have inadequate facilities, and I don't mean inadequately, I mean disasterly inadequate. We have trailers there that have been there 10 years. They've outlived their usefulness. They have severe indoor air quality problems. They have leakages, we have sewers backed up, we have buckets in the hallway. This is just not the kind of situation that I know you want any of the Chatham County residents to come get services from, and we've taken two steps to try to remedy that. One, to try to create additional space so that we can move State-paid staff into district offices and the State has had the responsibility for those costs. At the County Board of Health there's a responsibility for the County Board of Health to be responsible for adequate facilities for the health department. We had a Facilities Management Committee that has looked at this for some time, chaired by Catherine Martin [phonetic]. They're working with our staff and they have —, there's indoor air quality surveillance and a number of things looking at these problems. Larry Snellgrove's [phonetic] been speaking with you before and you know his work as well, and out of that we've come up with at about \$3,000,000 worth of [inaudible]. The opportunity to get a \$1,080,000 of that so that we could do some things with the facilities to bring them up to par, at least up to the kind of standards you would want and to protect our employees. We've had to transfer some people in offices because of severe indoor air quality problems. So when we say we're talking about financing this out of fees, we get fees from environmental health activities, from vital records, from services to clients, but those fees have been in the budget for years, and we can finance the debt service on these bonds, the growth in those fees, without reducing any services to clients. In fact, we still have additional services that we can add based on the fees. So we're looking at a combination of fees from vital records, environmental health and the kind of services we provide. Some of those services are reimbursement, Medicaid, Medicare, and whatever. So, that's the way we're looking at financing it.

Commissioner McMasters said, just a few more. Dr. Skelton, if I understand this correctly then, there'll be an across the board increase in fees, some of which will be borne by citizens, some of which will be borne by the State and Federal government in terms of the schedules that you have with them. Dr. Skelton said, [inaudible] Mr. Snellgrove, my understanding of that is we're talking about the growth of protective services, not increasing individual fees to make up the \$90,000.

Mr. Snellgrove said, I'm Larry Snellgrove. I'm the financial officer for the Health Department. We're not talking about having an increase in fees to cover this cost. The fees are already there in place. Of course, you will see some increase in fees as we go along as the need arises, but we're not making any drastic increase in fees just to cover this particular project. Basically, what we have, with our master agreement with the State, the State allows us to roll fees to the next year if we don't use them this year. We have accumulated a little over —, over a million dollars in fees that we've rolled to fiscal year 2005, which we will use upon this particular project out of it.

Commissioner McMasters said, so these have publicly existed in your budget and are now being identified and committed to offset the cost of this bond issue. Is that —? Dr. Skelton said, there have been fees for this services —, these services in the Chatham County budget for years and those fees will grow as Chatham County grows and citizens come for services and you collect fees for environmental health, for vital records, for services to clients. The projected growth on that is sufficient to cover how those fees have been used to maintain operating costs in the next year so that we don't reduce any services and provide us additional —, enough additional revenue to finance the bond. Commissioner McMasters said, okay. Your statement, Dr. Skelton, upon immediate visiting of our facilities here and welcome is that your perception is that there's been 10 years of oversight or neglect so that the buildings, equipment and employees have gone without. Is that correct? Dr. Skelton said, I would say there has been 10 years of major efforts by the Board of Health members and the staff in the Chatham County Health Department to try to respond to the growing need of citizens of this County for public health services by scrambling every way they can to find the facilities to place the staff in, including trailers that have been

on that property for somewhat 10 years, and so I'm not making any allegations that anybody did anything except do the best they could with the limited resources available to try to serve the people of Chatham County. But, Mr. McMasters, I'd be happy to take you on a tour. I believe you would be distressed by what you see. Commissioner McMasters said, I've actually been there. A good friend of ours is part of your department. I'm real familiar with your circumstances. I apologize for them and, quite frankly, my opinion, and it's only my opinion, is that while we were busy building weightlifting centers and aquatic centers and piers that public needs of your department and the Health Department at large should have been met some time ago. Dr. Skelton said, thank you. Commissioner McMasters said, and I'm very delighted to be able to now undertake this for you. It's long overdue. Thank you, sir.

Chairman Hair said, thank you, Dr. Skelton.

Commissioner Rivers said, Mr. Chairman, I would hope that in that the Health Department has found that money, this is not adequate to take care of all of those —, address all of those buildings. So, therefore, I would hope that we would look back at doing the same thing that we're going to do for SABHC and taking up some of that. I don't want to put a strain on the Manager and I don't want to put a strain on this budget, but I'm going to say something in reference to SABHC also when they come forth. But I would hope that, Russ [Abolt], we would begin to look at their total need and begin to get a grasp on costs and then begin to see how we can infuse it and mesh it into the budget to pick up —.

Chairman Hair said, thank you, Commissioner Rivers. Dr. Skelton said, thank you, Mr. Chairman. I would like to say I've enjoyed working with Mr. Abolt and his staff since I've been here. Chairman Hair said, I enjoyed —, I met you several times. You've been to see me and I really appreciate that. I think you're doing a great job. Madam Clerk, do we have a motion and a second on this? Do we have a motion and a second? The Clerk said, yes. Chairman Hair said, okay. All those in —. Commissioner Rivers said, [inaudible]. Chairman Hair said, yeah, we're going to do them both. All those —.

Commissioner Rivers said, let me say this with reference to SABHC, if you don't mind. Here again, Russ [Abolt], we don't have that money. I can't see it being identified as an ongoing stream of revenue. So I would ask that this Board direct staff to make sure in deliberating the next year's budget that any growth, that that be given a priority to be taken out and put in as a permanent revenue stream to cover that debt service.

Chairman Hair said, all those in favor vote yes, opposed vote no. Commissioner Rivers asked, could I add that as an amendment? Chairman Hair said, it's too late now. The motion carried unanimously. [NOTE: Commissioner Odell was not present.] Chairman Hair said, I think all you could do, Commissioner Rivers, would be is to direct staff to do that. I think you've already done that. Commissioner Rivers said, well, you know, I think —, you know, you can't —, you say you can't direct or have future Commissions to do anything, but the bond —, the bond is going to be there and I doubt if the new Commission will come and try to destroy that bond once it's in place. Chairman Hair said, make a new motion. You can make a new motion. Commissioner Kicklighter said, [inaudible] like I did on the bridge. Chairman Hair said, make a motion.

Commissioner Rivers said, Mr. Chairman, I'd like to make a motion that staff look at next year's budget of infusing that \$170,000 in there as a permanent stream of revenue to cover the debt service. Commissioner Rayno asked, can we bind future Commissions, Mr. Attorney? Chairman Hair said, we cannot. Commissioner Rivers said, well, may I ask for reconsideration. County Attorney Hart said, you have a bond issue and once you obligate yourself on the bond issue —. [Inaudible comments were made when several Commissioners were speaking at one time.] County Attorney Hart said, — unless you want to don't have a bond rating. Commissioner Rayno said, yeah, this is going to feel good, but we legally can't do it. I can't approve something that's —. Commissioner Rivers said, it's not a feel-good and it's directing staff to look at it and infused in a budget. Now if the next Commission don't want it in there, then they can vote it out. Chairman Hair said, there's a motion —. Commissioner Rivers said, — but I'll be up here to lobby for it and I hope you will too. Commissioner Rayno said, well, I would be but you just can't tell —. Commissioner Rivers said, hey, you can only —. Chairman Hair said, we had a motion, Commissioner Rivers. Do we have a second? The motion fails for lack of a second.

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

Commissioner Murray moved to authorize staff to pursue bond issuance through the Downtown Savannah Authority on behalf of a new project (\$2,000,000) for SABHC and a renovation/upgrade project on behalf of the Board of Health as outlined in the staff report. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

AGENDA ITEM: IX-2  
AGENDA DATE: August 13, 2004

**TO:** Board of Commissioners

**THRU:** R. E. Abolt, County Manager

**FROM:** Patrick Monahan, Asst. County Manager

#### **ISSUE:**

To seek approval to proceed with projects on behalf of SABHC and the Board of Health, including financing through a tax-exempt bond issue via the Downtown Savannah Authority,

which will require an intergovernmental agreement that Chatham County backs unconditionally through its full faith and credit.

**BACKGROUND:**

The Board approved funding of \$175,000 as Year 1 of annual debt service in the FY 2005 M&O Budget for a \$2 million capital project on behalf of the Savannah Area Behavioral Health Collaborative (SABHC), a 501(c)(3) [non-profit agency], which provides community behavioral health care. The project would fund renovation, furnishing and equipping property owned by Union Mission, SABHC's managing partner.

In addition, the Board of Health has identified fee increases of some \$90,000 annually that could be used as annual debt service to retire capital debt of \$1,080,000 (the Board of Health identified urgent needs of \$2 million but could not identify recurring funds to repay this larger amount). Because the improvements would be made on county-owned properties, and because the improvements relate to capital expenditures, they are eligible for tax-exempt financing.

By this plan, the Downtown Savannah Authority would issue bonds in the amount of \$3 million (principal amount excludes issuance costs). Chatham County would enter into an intergovernmental agreement with the Downtown Savannah Authority for unconditional repayment of annual debt service. Though Chatham County has identified funding for repayment of debt, the 20-year bonds would be backed by the full faith and credit of the County. In turn, the County would lease the respective properties to SABHC and the Board of Health.

**FACTS & FINDINGS:**

1. Board approval will be necessary to prepare the bond prospectus and develop the necessary intergovernmental agreements between Chatham County and the Downtown Savannah Authority.
2. The SABHC project centers on a capital renovation of the former Fox Appliance Building, which Union Mission now owns. Besides the \$2 million in bond proceeds to redevelop the property into a state-of-the-art behavioral health service center, Union Mission would contribute its equity in the property as well as receive a \$500,000 matching contribution from Memorial Health University Medical Center. Plans call for completion of the project within a year.
  - 2.1 Based on current tax-exempt rates, a 20-year issue (including bond issuance costs) will require an estimated annual debt service of \$170,046. The Board included \$175,000 for the Year 1 payment in the FY 05 M&O Budget.
3. The Health Department project centers on a capital renovation of various projects at the Health Center on Eisenhower Drive and the Mid-Town Clinic at 1600 Drayton Street. The Health Department developed a list of priorities that total some \$2,000,000; however, because the Health Department would need to cash flow repayment of annual debt service on new revenues, the list was pared to \$1,080,000.
  - 3.1 Based on current tax-exempt rates, a 20-year issue (included pro-rated share of bond issuance costs) will require an estimated annual debt service of \$85,023. Dr. Douglas Skelton, M.D., District Health Director, has identified new revenue sources of some \$90,000 that would provide a recurring source for annual debt service payments. The new sources are service fees.
  - 3.2 Dr. Skelton pointed out that even at \$2 million level, this funding does not address the complete requirement of the Health Department's capital needs. As part of SPLOST 2003-2008 consideration, the Health Department submitted a project expansion/renovation program of some \$10 million.
4. In essence, Chatham County serves as public developer to construct, equip and finance these projects. The agreements would be structured, as follows:
  - 4.1 Chatham County enters into an intergovernmental agreement with the Downtown Savannah Authority for issuance of public purpose (tax-exempt) bonds. While investors (bond buyers) review the purpose, with legal concurrence as to their meeting federal requirements, the principal concern remains that Chatham County agrees to back the bonds with its "full faith and credit."

- 4.2 Chatham County, with the assistance of bond counsel and its financial advisor, develops a prospectus that describes the projects and includes proper resolutions that authorize the public purpose bonds as tax-exempt. Underwriters will bid competitively to sell the bonds, and the Board will award a bid at a later date as well as approve the intergovernmental agreement with the Downtown Savannah Authority. The bid will set the effective market interest rate for the 20-year period.
  - 4.3 Chatham County will receive the funds and serve as trustee in allowing draws against the principal amount for each project. Also, Chatham County will set up a bond fund for payment of the bi-annual debt service payment.
  - 4.4 Chatham County will enter into a lease with SABHC and the Board of Health for use of the properties. The agencies will be responsible for all janitorial, landscape maintenance and pest control. Chatham County will also set up a capital maintenance fund for future capital repairs, which will be funded through the lease agreement.
5. The bond issue would probably not require a formal rating visit. Nonetheless, Chatham County's bond rating will be evaluated as part of this issuance. The difference between Chatham County's loss of its high rating amounts to about 1/4 of a percent in interest payments.
  6. While many advantages can be cited, bond issuance poses some disadvantage. Though contingent liabilities, the County remains obligated unconditionally for repayment. Through issuance of bonds, Chatham County assumes risk in repayment for 19 years beyond the Year 1 payment. Should SABHC dissolve its collaborative and no longer provide service, Chatham County would need either to arrange leasing to a similarly-structured 501(c)(3) or opt to refund the bonds and sell the appreciated value of the property.

**FUNDING:**

The Board approved funding of \$175,000 as Year 1 of annual debt service in the FY 2005 M&O Budget for the SABHC project. The Health Department has identified new recurring revenues of \$90,000 from service fees for repayment of its annual debt service (NOTE: Finance Department cannot confirm the added revenue and can only rely on the projections from the Health Department).

**ALTERNATIVES:**

1. To proceed under this plan, the Board authorizes staff to pursue bond issuance for capital projects on behalf of SABHC and the Board of Health as provided in "Facts and Findings" #1-4. The principal amount would be \$3 million (plus issuance costs).
2. Should the Board desire not to undertake the SABHC project until after January 2005 when FY 2005 M&O revenues can be better confirmed, the Board of Health project would also need to be delayed until then. Because of issuance costs, a \$1,008,000 principal does not provide sufficient value for use of bonds; other privately-placed bond financing would be a better option.
3. That the Board take no action.

**POLICY ANALYSIS**

As partner with other public services, Chatham County can exercise true leadership and initiative by helping health agencies. Under this plan, Chatham County becomes a public entrepreneur for the development of property to meet community health needs. Not only as a partner in public service, but also as a business decision, does this strategy make sense for these agencies. The opportunity for ownership, without profit motive, rather than outright leasing saves valuable tax dollars in the long run and helps to reduce overhead costs, which means more public dollars can be spent on direct services.

**RECOMMENDATION:**

For Board consideration.

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**3. BOARD CONSIDERATION TO EXTEND THE CONTRACT TO SWEET DREAMS ICE CREAM, INC., FOR THE CONCESSION, CUSTODIAL AND SECURITY SERVICES AT THE TYBEE PIER AND PAVILION.**

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, yes, I would move that we approve this through December 31<sup>st</sup> of this year. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present.] Chairman Hair said, the motion passes.

Commissioner Kicklighter asked, which one? Number one? Chairman Hair said, no, it was a new one. We discussed this in pre-meeting. You weren't there.

\* \* \*

Commissioner Kicklighter asked, may I make a motion to reconsider that —, the last one? Chairman Hair said, you can't reconsider after it's passed. Commissioner Kicklighter said, I voted with the body so —. Chairman Hair said, we didn't have the new motion yet. Commissioner Murray said, no, he's talking about —. Commissioner Kicklighter said, no, the last one —. Commissioner Rayno said, Sweet Dreams. Commissioner Kicklighter said, — Tybee Pier. Chairman Hair said, you can make a motion to reconsider and it would be reconsidered at the next meeting, not this meeting. Commissioner Kicklighter said, yeah, yeah. Chairman Hair said, okay. Commissioner Kicklighter said, I make a motion to reconsider. Chairman Hair said, you have to enter into the record as a motion to reconsider at the next meeting. Commissioner Kicklighter said, thank you.

Commissioner McMasters said, I'll continue. Commissioner Rivers said, point of order, Mr. Chairman, and I'll bring it back if necessary. We need to rescind that, because it's gone. It's a done deal. We need to rescind it. It takes two-thirds to rescind it and I'll move to rescind the previous motion and then we'll come back later on and —. Commissioner Murray asked, why would we need to rescind it? Commissioner Rivers said, well, you need to rescind it because it's already gone. To reconsider —. Chairman Hair said, I asked that question. Commissioner Rivers said, to reconsider the motion for [inaudible], when a motion is duly passed, that motion is passed. Okay? Commissioner Rayno said, he's saying we moved on to the next agenda item so it's too late.

Chairman Hair said, Mr. Hart, rule on the point of order please. County Attorney Hart said, you can make a motion to reconsider and enter in the minutes for the next meeting. In the alternative, you could move to rescind the last vote, if you wanted to, but that's in effect an indirect motion to reconsider and enter into the minutes. So I think you're safe just to do it the way we're doing it. Commissioner Rivers said, he's still [inaudible]. I'm going to let it go, but that's not proper procedure. Chairman Hair said, okay, that's fine. Commissioner Rivers said, okay.

**ACTION OF THE BOARD:**

- a. Commissioner Murray moved that the contract to Sweet Dreams Ice Cream, Inc., for the concession, custodial and security services at the Tybee Pier and Pavilion **be extended through December 31, 2004**. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]
- b. Having voted on the prevailing side, Commissioner Kicklighter made a motion for reconsideration to be entered on the minutes for vote at the next meeting on August 27, 2004.

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**4. PRESENTATION ON STATUS OF BEST VALUE CONTRACTING.**

Chairman Hair said, I'll call on Commissioner McMasters to make motion to table.

Commissioner McMasters said, thank you, Mr. Chairman. As discussed in the pre-meeting, the essence of best value contracting, and I wish Commissioner —. [Commissioner Kicklighter interrupted with a motion to reconsider the previous agenda item.]

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you. I wish Harris Odell was here. Unfortunately, he's not, but the best value contracting concept has always emerged from this Commission with an eye towards keeping at all times involvement of the trades and labor community in Chatham County. The minutes reflect this, the history is that and when I contacted my friends at trades and labor to find out if they had any advance thinking about today's presentation just to exchange ideas, I was informed that they had no advance notice. They —, many of them were involved in a trial today and could not be here and they respectfully requested that this —, that I ask that this be tabled until the next meeting so that they can participate and answer our questions as to the merits or a lack thereof of what we're about to hear, and without them being here I think it is an unfortunate disadvantage. They're key partners in best value and I would respectfully request that we simply postpone or table this for one meeting to allow our partners to participate in this important project.

Chairman Hair said, I have motion to table. Do I have a second? Commissioner Kicklighter said, second. Chairman Hair said, all those in favor of the table vote yes, opposed vote no. Chairman Hair and Commissioners McMasters, Commissioner Gellatly and Commissioner Kicklighter voted in favor of the motion. Commissioners Rivers, Murray and Thomas voted in opposition. The motion carried by a vote of four to three. [NOTE: Commissioners Rayno and Odell where not present when this vote was taken.] Chairman Hair said, the motion is tabled. Commissioner McMasters said, thank you.

**ACTION OF THE BOARD:**

Commissioner McMasters moved to table to the next meeting the presentation on status of best value contracting. Commissioner Kicklighter seconded the motion. Chairman Hair and Commissioners McMasters, Commissioner Gellatly and Commissioner Kicklighter voted in favor of the motion. Commissioners Rivers, Murray and Thomas voted in opposition. The motion carried by a vote of four to three. [NOTE: Commissioners Rayno and Odell where not present when this vote was taken.]

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**5. BOARD CONSIDERATION OF TAX REFUND FOR LEPAGEVILLE CEMETERY.**

Chairman Hair recognized County Manager Abolt.

County Attorney Hart said, Alderman Ellis Cook, who I think is with us today, brought this to the County Attorney's office attention that LePageville Cemetery Group, that is a nonprofit organization that was created to take care of an old historic cemetery, indicated that there was a tax bill generated and was asking basically that this Commission correct the digest and relieve the nonprofit organization of having to pay the taxes and seek a refund. Burial [inaudible] in the State of Georgia is clearly exempt and for whatever reason the bill should never have been sent.

Commissioner Rivers said, so moved that we exempt. Chairman Hair said, we have a motion. Do we have a second? Commissioners Rayno and Gellatly said, second. Chairman Hair asked, any discussion? All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present when this vote was taken.] Chairman Hair said, the motion passes. Thank you.

Mr. Ellis Cook said, [inaudible] for your actions. Chairman Hair said, just your presence here caused it to be unanimous. We're going to invite you to future meetings.

**ACTION OF THE BOARD:**

Commissioner Rivers moved that the tax digest be corrected and that the LePageville Cemetery Group, a nonprofit organization, be relieved from payment of taxes. Commissioners Rayno and Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present when this vote was taken.]

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**6. REQUEST BOARD DIRECT THE MPC TO DEVELOP AMENDMENTS TO SECTIONS 7-3 (O)(3) AND 7-3 (O)(5) NONCONFORMING SIGNS.**

Chairman Hair said, I'll entertain a motion. Commissioner Murray said, move for approval. Chairman Hair asked, second? Any discussion? I need a second. Commissioner McMasters said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present when this vote was taken.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Murray moved to direct the MPC to develop amendments to Sections 7-3(O)(3) and 7-3(O)(5), Nonconforming Signs. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present when this vote was taken.]

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**7. REQUEST SHOW CAUSE HEARING TO REVOKE CURRENT BEER, WINE AND LIQUOR POURING AND SUNDAY SALES LICENSES FOR 2004. PETITIONER: CHATHAM COUNTY V. RAQUEL'S BAR & GRILL, LOCATED AT 4001 OGEECHEE ROAD. [DISTRICT 5.]**

Chairman Hair recognized Mr. Gregori Anderson.

Mr. Anderson said, good morning. The petition before you this morning is generated by actually the guardian of the —, of the licenseholder and, as you see in your packet, this individual has been deemed physically incapable of running a business on behalf of his family and the legal counsel that we received a request to have his name taken off the license and the license rescinded.

Commissioner Rayno said, so moved. Chairman Hair asked, second? Commissioners Murray and Gellatly said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present when this vote was taken.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Rayno moved that the name of John B. Remion, Jr., be removed from and revoke the current beer, wine and liquor pouring and Sunday sales licenses for 2004 of Raquel's Bar & Grill, located at 4001 Ogeechee Road. Commissioners Murray and Gellatly seconded the motion and it carried unanimously. [NOTE: Commissioners Odell and Kicklighter were not present when this vote was taken.]

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**8. REQUEST DENIAL OF NEW BEER AND WINE RETAIL PACKAGE LICENSE FOR 2004.  
PETITIONER: SUKHMANI K. SINGH, D/B/A QUACCO OUTLET, LOCATED AT 10-D  
QUACCO ROAD.  
[DISTRICT 7.]**

Chairman Hair said, if I could just —, Commissioner Kicklighter is not here. This is his district and I think it's appropriate for him, if you'll just a second and see if we can locate him. I'm going to temporarily recess here to try to locate him.

A very brief recess was taken at this point while Commissioner Kicklighter was located to be present for this issue.

Chairman Hair said, now Mr. Anderson.

Mr. Gregori Anderson said, thank you, Mr. Chairman. Before you this morning is a request for a new wine and beer retail license in conjunction with a convenience store. Based on the investigation by the police department, they recommended denial of this petition this morning and we'd like the police department to present their findings.

Sgt. Clive Davies said, good morning, ladies and gentlemen. I'm Sgt. Davies with the Savannah-Chatham Metropolitan Police Department, the Staffing and Recruiting Unit. One of my duties is processing of business licenses. I received this license from the Regulatory —, Building Safety and Regulatory Services. I started the routine background check on the applicant, which returned okay. Her father was the previous owner of the business that was there located at 10-D Quacco Road, and there was some question as to his part in the business. I contacted Dyches Realty —, Dyches Construction and Realty and they hold the lease on the property, which is leased by her father. The mother and father have signed the lease as of March 1, 2004. The —, Dyches informed me that they have a no sublet clause in the lease. I've provided —, you've got copies of the lease there and on the back page it says there is no sublet. So that would tend to tell me that the father is in partnership with the daughter. Further checking into the previous business, which I was Department of Internal Affairs when the license for Discount —, David's Discount, which was formerly there, was rescinded. The father is currently on probation concerning those charges. You were provided there, and part of his probation, a special condition is that he cannot take part in any business in Chatham County nor can his family members, you know, with him backing them or have anything to do with the business. Therefore, the police department cannot in good standing knowingly violate a Superior Court order by approving, you know, with him signing the lease in allowing him to have an alcohol license at that location.

Chairman Hair asked, you say the background check on the applicant was okay? Sgt. Davies said, on the applicant it was fine. Chairman Hair asked, so there's nothing in the applicant's background that would indicate denial? Is that correct? Sgt. Davies said, correct. Chairman Hair said, if the applicant produces a lease in her name, can there be any legal reason —. Sgt. Davies said, as long as there is no backing by the father, then it would not be in violation of a court order. Chairman Hair said, exactly, and that's my point. I mean, I think this is one of those cases where —, and you guys have done a great job, but I think we're making a lot of suppositions here and I believe that the applicant has gone through a background check and she's —, by the police department —, and she's okay and if she can produce a lease in her name for this business, I don't think we have any legal reasons to deny this license. I —, you know, if the police want to check it out three times a day, seven days a week, I think that would be healthy, but I really don't think —, it just bothers me that we're basing this denial, staff recommendation, on her father and yet, as you just said, Sergeant, if she can produce a lease in her name and she's already cleared background check, there would be no legal reason to deny this. I just think we've got a problem here. Sgt. Davies said, as of yesterday from the father's account from Screven Discount Outlet, which was formerly also one of the father's businesses, there was a check that was sent to Dyches Realty where he paid for the lease. Chairman Hair said, I understand that. That was not my question though. We don't —, that's not in dispute. My question was if she can produce a lease in her name and she's already passed the background check, then there would be no evidence. Sgt. Davies said, as long as the father is taking no part in funding the business —. Chairman Hair said, that's my point, that's my point. Sgt. Davies said, I mean, we've —.

Commissioner Kicklighter asked, is the check in the father's name? Sgt. Davies said, it's from the father's business. Chairman Hair said, but that's the current lease, Commissioner Kicklighter. My point —. Sgt. Davies said, which is good until 2005.

Commissioner Rayno said, so we have to deny this license based on the information the police have given us because the Superior Court said that they can't be conducting business along with his daughter like that. Sgt. Davies said, correct. Commissioner Rayno said, I make a motion to deny this license. Commissioner Murray said, second.

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

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

Commissioner Rayno moved to **deny** the petition of Sukhmani K. Singh, d/b/a Quacco Outlet, located at 10-D Quacco Road, for a new beer and wine retail package license for 2004. Commissioner Murray seconded the motion. Commissioners Rayno, Rivers, McMasters, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion for denial. Chairman Hair voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Odell 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, we're pulling Items 3, 4, 5, or Commissioner McMasters is pulling Items 3, 4, 5, 8, E, K and N. I'll entertain a motion to approve the balance of the Action Calendar.

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

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

Commissioner Murray moved that the Action Calendar be approved in its entirety with the exception of Items 3, 4, 5, 8, 13-E, 13-K and 13-N. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell 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 BUDGET HEARINGS ON JUNE 29, 2004, AND THE PRE-MEETING AND REGULAR MEETING OF JULY 23, 2004, AS MAILED.**

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

Commissioner Murray moved to approve the minutes for budget hearings on June 29, 2004, and the pre-meeting and regular meeting of July 23, 2004, as mailed. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

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#### **2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JULY 15 THROUGH AUGUST 4, 2004.**

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

Commissioner Murray moved that the Finance Director is authorized to pay claims for the period July 15, 2004, through August 4, 2004, in the amount of \$4,475,132. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

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3. **REQUEST FROM ENGINEER FOR THE DEVELOPER, GENESIS DESIGNER HOMES, TO INITIATE THE WARRANTY PERIOD FOR STONEBRIDGE, PHASE 2, AND REDUCE THE FINANCIAL GUARANTEE.  
[DISTRICT 7.]**
4. **REQUEST FROM ENGINEER FOR THE DEVELOPER, GENESIS DESIGNER HOMES, TO INITIATE THE WARRANTY PERIOD FOR STONELAKE TOWNHOMES PHASE 1, AND REDUCE THE FINANCIAL GUARANTEE.  
[DISTRICT 7.]**
5. **REQUEST FROM THOMAS & HUTTON, ENGINEER FOR THE DEVELOPER, GENESIS DESIGNER HOMES, TO INITIATE THE WARRANTY PERIOD FOR STONELAKE TOWNHOMES, PHASE 2, AND REDUCE THE FINANCIAL GUARANTEE.  
[DISTRICT 7.]**

Chairman Hair said, Commissioner McMasters has requested we do all three of these together, so I'll read them all three at one time. [NOTE: Chairman Hair then read Items 3, 4 and 5 into the record.] Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Dr. Hair. I'll try to set this up as quickly as possible. Number three, and this is —, let me pause. This is all Genesis Designer Homes. Number three is for Stonebridge, Phase 2. Number four is for Genesis Designer Homes, Stonelake Townhomes, Phase 1, and number five is Genesis Designer Homes, Stonelake Townhomes, Phase 2. Now my question is this. In the Facts and Findings for numbers 3, 4 and 5, there's an inconsistency that I'd like to understand better. On number three, which is Stonebridge, Phase 2, Facts and Findings item one says the paving and drainage improvements are to be maintained by the County. On number four, Stonelake Townhomes, Phase 1, Facts and Findings, one point [sic], it says the paving and drainage will be privately maintained. In the number five, which is identified as Stonelake Townhomes, Phase 2, Facts and Findings, one dot [sic], it says the paving and drainage will be privately maintained. Can I understand why two of these are privately maintained and one is at taxpayer expense? County Engineer Al Bungard said, the subdivision regulations do not distinguish between privately owned and county maintained. It simply says once the contractor or developer makes it, it will be warrantied for one year and then we —, and then it's accepted. That's the reason, the difference between privately —, it just to distinguish. We make them warranty everywhere. Commissioner McMasters asked, could you try another explanation that I might grasp? That the paving and drainage will be maintained by the County in one project; the other two it's maintained privately. Ms. Suzanne Cooler said, Stonebridge, Phase 2, is a single-family subdivision development. Commissioner McMasters said, okay. Ms. Cooler said, Stonelake is a townhome private development. Commissioner McMasters said, and what's the difference. Ms. Cooler said, one's going to be —. County Attorney Hart said, one is a condominium association [inaudible] as a part of the common area and all the residential areas generally have public streets. Ms. Cooler said, correct. Commissioner McMasters said, okay, that makes sense to me. The County's going to maintain the residential, single family, and the homeowner's association will be providing maintenance at their cost. Very good. Thank you for that explanation.

Commissioner Rivers said, so moved approval. Commissioner Murray said, second. Commissioner Kicklighter said, I make a motion to approve. Commissioner McMasters said, move to approve. Commissioner Kicklighter said, I'm sorry. The motion carried unanimously. [NOTE: Commissioner Odell was not present.]

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

Commissioner Rivers made the following motion, which was seconded by Commissioner Murray and carried unanimously. [NOTE: Commissioner Odell was not present.]

- a. To approve the request from the engineer for the developer, Genesis Designer Homes, to initiate the warranty period for Stonebridge, Phase 2, and reduce the financial guarantee.
- b. To approve the request from the engineer for the developer, Genesis Designer Homes, to initiate the warranty period for Stonelake Townhomes, Phase 1, and reduce the financial guarantee.
- c. To approve the request from Thomas & Hutton, engineer for the developer, Genesis Designer Homes, to initiate the warranty period for Stonelake Townhomes, Phase 2, and reduce the financial guarantee.

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6. **REQUEST FROM KERN-COLEMAN, CO., ENGINEER FOR THE DEVELOPER, LONG POINT ASSOCIATES, LLC, TO RECORD THE SUBDIVISION PLAT FOR LONG POINT, PHASE 4A, ACCEPT THE WARRANTY AGREEMENT AND FINANCIAL GUARANTEE, AND COMBINE THIS PHASE INTO THE EXISTING LONG POINT STREETLIGHT ASSESSMENT DISTRICT.  
[DISTRICT 4.]**

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

Commissioner Murray moved to approve the recording of the subdivision plat for Long Point, Phase 4A, accept the warranty agreement and financial guarantee, and combine this phase into the existing Long Point streetlight assessment

district. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

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- 7. REQUEST BOARD APPROVE A COUNTY CONTRACT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION TO PAVE BOND AVENUE, SHORE AVENUE, HEATHER STREET AND BETRAN STREET AND AUTHORIZE THE CHAIRMAN, COUNTY ATTORNEY, COUNTY ENGINEER AND COUNTY CLERK TO SIGN THE FORMS NECESSARY TO IMPLEMENT THE PROJECT WHICH INCLUDES THE GDOT FORM 532, A UTILITY AGREEMENT, A LOCAL GOVERNMENT PROJECT AGREEMENT AND THE RIGHT-OF-WAY CERTIFICATION.  
[DISTRICT 1.]**

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve a County contract with the Georgia Department of Transportation to pave Bond Avenue, Shore Avenue, Heather Street and Betran Street and authorize the Chairman, County Attorney, County Engineer and County Clerk to sign the forms necessary to implement the project which includes the GDOT Form 532, a Utility Agreement, a Local Government Project Agreement (LGPA) and the Right-of-Way Certification. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

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- 8. REQUEST BOARD APPROVAL OF MASTER PLAN FOR THE CHARLIE BROOKS RECREATION COMPLEX.**

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

Commissioner Murray said, I'll move for approval. Chairman Hair asked, second? Commissioner Kicklighter said, second. Commissioner McMasters said, second with discussion.

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, I am thrilled that this long neglected facility has some hope on the horizon for it. The —. Commissioner Rayno said, [inaudible]. Commissioner McMasters said, yeah. But what I'm really interested in since there is no indication anywhere in the materials provided to us of a time line for the phases to improve Charlie Brooks Park, I think everyone out in the Fourth District and those of us that have kids that go out and utilize that facility, they've been so patient. The money's finally been procured. Where is the time line and will we keep it? Mr. Robert Drewry said, good morning. Commissioner McMasters said, good morning. Mr. Drewry said, first of all, I apologize for not giving a clear time line in the staff report. I apologize for that. Our engineer's working very aggressively to get this actively under construction in November. That is his goal. That is the goal we made for him. We wanted to wait until after football season was finished this year. That gave us a window between football, a nice gap after football. We realize that next Spring baseball will not be play out at Charlie Brooks Park so that opened that window up a little bit more through the end of next year. So we're going to work as aggressively as we can to get this thing off, started in November. The first thing the contractor is probably going to do in November is doing some demolition work, the old light poles and that sort of thing, trying to get prepared some of the methane mitigation we've got to do. Does that answer your question? Commissioner McMasters said, it tells me when you're going to start. When's it going to be completed, Robert [Drewry]? Mr. Drewry said, well, we don't have an exact time frame on —, all the way through completion. If you want to put an end date, we want to be back open if at all possible by football of next year, which is Fall of next year. That's going to be our goal. That's going to be time dependent because we're going to try to grow —, establish a stand of grass out there. We want to have turf out there and that's got to have at least a season to establish. When you're sprigging for it —, I can't remember the name —, Turf 219 or something like that, whatever the name is, it's got to go at least a season of growth before it is established and the roots are set. So if we can make it by Fall of next year, then that is going to be what we're going to shoot for. Commissioner McMasters said, okay. Thank you. And from the Facts and Findings in your report, it says that the \$950,000 is adequate to construct one to five fields with asphalt parking, concession, irrigation system, sprigging, walking trail and new lights. Is that correct? Mr. Drewry said, that is what we're going for, that's correct. That is correct. We want to go construct fields one through five and have it lit and the irrigation established. Commissioner McMasters said, as you probably well remember and know, the consensus of the coaches that operate on this field and at this facility is that baseball has to be the priority out there, football secondarily, and for some reason since the very beginning, conceptual beginnings of this, soccer has been added to it, and you'll remember that that's the last thing to come to that. Are we in agreement on that? Mr. Drewry said, we're all in agreement with that. That field number five is a combination football and soccer. It can accommodate both. Commissioner McMasters said, lastly, once you have come to a good solid time line of projection on this facility, would you please work with Pete Nichols to have that put onto our Channel 16 so that the people that have waited and looked forward to the renovation of this facility can see that time line. Mr. Drewry said, correct. Commissioner McMasters said, thank you so much.

Chairman Hair recognized Commissioner Murray.

Commissioner Murray said, I would just like to thank those Commissioners that have so much concern about Charlie Brooks Park, which does fall in the Fourth District. It's something that we have worked on for a number of years trying to get the funding in to do something with it. We've finally been able to do that. At the same time, even though I know we've got some priorities within that new facility, we do need to understand that that is a public facility for use of all the sports that can be played there and so during the seasons I don't think one will have any more priority than the others, depending on what season we're working through. So, again, I thank you and your staff for getting this put together and also to the people in the meetings we had and what took place, and I think we're going to see some great improvements in that facility. Thank you.

Chairman Hair said, we already have a motion and a second on the table. All those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioners Rivers and Odell were not present when this vote was taken.] Chairman Hair said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve the master plan for the Charlie Brooks Recreation Complex. Commissioners McMasters and Kicklighter seconded the motion and it carried unanimously. [NOTE: Commissioners Rivers and Odell were not present when this vote was taken.]

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- 9. REQUEST BOARD APPROVE AN INTERGOVERNMENTAL AGREEMENT FOR THE DISTRIBUTION OF SPECIAL PURPOSE SALES TAX PROCEEDS FROM THE 2003-2008 SPLOST TO CHATHAM AREA TRANSIT FOR CAPITAL OUTLAY PROJECTS. [ALL DISTRICTS.]**

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve an intergovernmental agreement for the distribution of Special Purpose Sales Tax proceeds from the 2003-2008 SPLOST to Chatham Area Transit (CAT) for capital outlay projects. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

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- 10. REQUEST BOARD ACCEPT A LOCAL LAW ENFORCEMENT BLOCK GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE IN THE AMOUNT OF \$22,652, TO APPROVE THE SELECTION OF AN ADVISORY BOARD WITH THE MANDATE TO MAKE A NON-BINDING RECOMMENDATION TO THE BOARD OF COMMISSIONERS REGARDING THE USE OF FUNDS RECEIVED FROM THE GRANT PROGRAM, AND TO SCHEDULE A PUBLIC HEARING REGARDING THE PROPOSED USE OF THE BLOCK GRANT FUNDS WHERE THE ADVISORY BOARD'S RECOMMENDATION WILL BE RECEIVED ON SEPTEMBER 10, 2004.**

**ACTION OF THE BOARD:**

Commissioner Murray moved to accept a Local Law Enforcement Block Grant from the Bureau of Justice Assistance in the amount of \$22,652, to approve the selection of Lori Brady, a member of the Savannah/Chatham Board of Public Education; Daniel E. Deloach, Superior Court Administrator; Meg Heap, Assistant District Attorney; Rick Pryor, member of the Board of Directors for the Citizens Crime Commission; and Major J. Irene Pennington, or their designee, as an Advisory Board with the mandate to make a non-binding recommendation to the Board of Commissioners regarding the use of funds received from the grant program, and to schedule a public hearing regarding the proposed use of the Block Grant funds where the Advisory Board's recommendation will be received on September 10, 2004. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

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- 11. REQUEST NEW BEER AND WINE POURING AND SUNDAY SALES LICENSES FOR 2004. PETITIONER: KWANG H. GENTILE, D/B/A KOREANA RESTAURANT, LOCATED AT 7360 SKIDAWAY ROAD, SUITE G-2. [DISTRICT 3.]**

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve the petition of Kwang H. Gentile, d/b/a Koreana Restaurant, located at 7360 Skidaway Road, Suite G-2, for new beer and wine pouring and Sunday sales licenses for 2004. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

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**12. REQUEST FOR TRANSFER OF BEER, WINE AND LIQUOR POURING AND SUNDAY SALES FOR 2004. PETITIONER: SCOTT ROBERT JACKSON, D/B/A SICILIANO'S, LOCATED AT 4700 HIGHWAY 80 EAST. [DISTRICT 4.]**

**ACTION OF THE BOARD:**

Commissioner Murray moved to approve the petition of Scott Robert Jackson, d/b/a Siciliano's, located at 4700 Highway 80 East, for the transfer of beer, wine and liquor pouring and Sunday sales licenses for 2004. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

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**13. 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. Annual software support contract	Tax Commissioner	VisiCraft Systems, Inc. (sole source)	\$23,500	General Fund/M&O - Tax Commissioner
B. Records Management and document imaging software package	Administrative Services	Zasio Enterprises, Inc. (sole source)	\$36,060	CIP - Administrative Services
C. Encryption hardware and software for Motorola radios	CNT	Motorola, Inc. (sole source)	\$28,302.82	Confiscated Funds - CNT
D. Annual price agreement for the "as needed, funds available" basis, model year 2005 Crown Victoria Police sedans	Fleet Operations	J. C. Lewis Ford	\$19,997	<ul style="list-style-type: none"> <li>•CIP - Vehicle Replacement</li> <li>•General Fund/M&amp;O - Various</li> <li>•SSD - Various</li> <li>•SPLOST (2003-2008) - Vehicle Replacement</li> <li>•Various Funds</li> </ul>
E. Relocate a buried telephone cable to an aerial environment within the County Wetland Mitigation Bank	SPLOST	BellSouth	\$14,300	SPLOST (1998-2003) - Drainage - Hardin Canal
F. 38 bullet proof vests	CNT	West Chatham Warning Devices, Inc.	\$23,280	Confiscated Funds - CNT
G. Professional services contract for the "as needed" instruction and supervision of youth under the jurisdiction of Juvenile Court in a community service work program which operates on Saturdays	Juvenile Court	Daniel Walker (MBE)	\$18 per hour	Supervision fees collected by Juvenile Court
H. Rental agreement to provide two modular office units for 18 months	Public Works and Park Services	Williams Scotsman, Inc.	\$88,044.90	<ul style="list-style-type: none"> <li>•SSD - Public Works</li> <li>•General Fund/M&amp;O - Parks and Recreation</li> </ul>
I. Annual software maintenance agreement	ICS	Software House International (sole source)	\$67,402.65	General Fund/M&O - ICS

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
J. Annual maintenance on the storage area network system	ICS	Ziotech (sole source)	\$30,222	General Fund/M&O - ICS
K. Change Order No. 2 to the contract for the construction of the Georgetown Lagoons Improvements, Phase I project to add improvements at the Fawcett Canal undercrossing at Grove Point Road to protect the canal embankments from erosion	SPLOST	Shaw Environmental, Inc.	\$21,523	SPLOST (1998-2003) - Drainage - Fawcett Canal Project
L. Purchase and installation of security cameras at Juvenile Court	SPLOST	Remote Technology	\$55,771.54	SPLOST (1993-1998) - Juvenile Justice Center
M. Annual hardware and software maintenance for the data network infrastructure	ICS	Cisco, Inc. (sole source)	\$48,500	General Fund/M&O - ICS
N. Confirmation of the emergency issuance of Change Order No. 1 to the contract for Ogeechee Farms Drainage Improvements - Phase I for the installation of 175 feet of pipe	SPLOST	Southern Champion Construction, Inc.	Not to exceed \$35,000	SPLOST (1998-2003) - Drainage - Ogeechee Farms

**As to Items 13-A through 13-M except 13-E and 13-K:**

Commissioner Murray moved to approve Items 13-A through 13-M, except Items 13-E and 13-K. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]

**As to Item 13-E:**

**Relocate a buried telephone cable to an aerial environment within the County Wetland Mitigation Bank; SPLOST; BellSouth, \$14,300; SPLOST (1998-2003) - Drainage - Hardin Canal**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, my first question is when we purchased the Litchfield Tract, were we aware of these cables and their need to be relocated? County Engineer Bungard said, yes. Commissioner McMasters asked, we were? County Engineer Bungard said, yes. The plat showed easement through the property for both the power line and the telephone line. The power line services the cell phone tower and the two billboards. The telephone line serviced the cell phone tower, the [inaudible]. Commissioner McMasters said, well, Al [Bungard], considering that this is a controversial purchase in my opinion that we overpaid by \$175,000, I take —, I find this from International Paper at the high price and not the low appraisal, should we not have —, ask either the owners of these two cables or the seller, since we knew by your testimony that these here, should we not have burdened the taxpayers of Chatham County with the cost associated with these and ask either the seller, who was obviously getting a great price for the property, or the owners of the two cables to incur their own cost of relocation? County Engineer Bungard said, no. The seller didn't care whether the lines stayed there or not. I'm doing this so we can sell more dirt. You may remember —, you know, we in the staff report when we first went —, we estimated three to four hundred thousand dollars, I think it was, for engineering and construction costs to develop the mitigation bank, and the others had no way of knowing exactly how much dirt we could sell. Well, it was our estimate from our consultant that estimated there was about 300,000 cubic yards of dirt available. That's what we're selling now for about \$2.00 a cubic yard and I hope to, you know, gross on that by a half a million, you know, dollars and those will more than cover all these relocation costs. And by doing this, I can sell even more dirt because it's along part of the roadway which is sellable dirt or I can, you know, let Public Works have for some of their projects. You asked me at one point if I could make dirt available for Charlie Brooks Park and I said yes. This is part of where that dirt will come from. Commissioner McMasters said, regardless of how much dirt can come out, if we're going to pay for this relocation from either our new found funding source in this dirt, the fact of the matter is we had an opportunity at the beginning of this negotiation to purchase which —, did we or did we not know that these would have to be relocated before we purchased? County Engineer Bungard said, yes. I answered that, yes, but the owner did not own the lines. The lines are owned by BellSouth and by Savannah Electric. That's why we're having to sole source of relocation with them. IP did not own those lines. Commissioner McMasters said, right, but we knew when we were purchasing this who owned those lines. Did we go to either one of those two line owners and say we're going to be excavating here, would you help share some of these costs of relocating? The seller here, who is, you know, making —, instead of buying it for \$825,000, you know, against my vote buy it for \$975,000, seller, could you not help absorb some of these? That way all of the profits that —, all of the new found revenue source that you're finding in the excavation of the dirt could be returned whole and not nicked away with relocation costs.

Chairman Hair said, Mr. Hart has a comment.

County Attorney Hart said, moving a line that's in an easement, the easement was previously granted. The owner didn't care whether the thing stayed there forever. The County wanted to move the lines so they could get to the dirt. In order to move the lines to get to the dirt, you've got to talk to the person that owns the easement. Technically, they could tell us to go somewhere else, we're not moving our lines and, therefore, put in a situation of either purchasing the easement by condemnation, which is very, very expensive, or working out a situation with them where they usually consent to allow us to move the lines and pay for it. It is the cheapest, most efficient way to handle the situation and they're —.

Commissioner McMasters said, my point, Jon [Hart], my point is that we had an opportunity —. County Attorney Hart said, no sir. Commissioner McMasters said, — early on in this —. County Attorney Hart said, no sir. Commissioner McMasters said, — to handle this relocation —. County Attorney Hart said, no sir. Commissioner McMasters said, — but no one addressed it. County Attorney Hart said, you're wrong about that. There is no way in the purchase price dealing with the owner, when someone else owns the easement, to make an owner, who doesn't own the easement, do something about this easement over here. Commissioner McMasters asked, you can always ask, can't you? County Attorney Hart said, sure, you can always ask. Commissioner McMasters said, that's my point and nothing more.

County Manager Abolt said, [inaudible] and Dr. Thomas remembers the purchase of the land, you asked staff and also represented by Dr. Thomas, the Board to meet with the owners. It was very clear and Dr. Thomas and myself and the County Attorney that we had gotten the bottom line figure from IP and that was it. Commissioner McMasters said, the bottom line figure, Russ [Abolt], from IP was \$975,000 when our own appraiser, Moreland Altobelli, had it at \$825,000. That's the record, and also I'll add that while we paid excessively for this property based on that higher appraisal, I asked for and was denied that appraisal. You asked for it repeatedly orally. I asked you to put it in writing and what was the outcome of that, Russ [Abolt]? County Manager Abolt said, they chose not to give it to us. I take excep—, I take exception with the supposition we paid too much for it. One of the reasons why we had that very handsome plat on the wall, the third from the right is the Corps of Engineers recognized this mitigation project as absolutely exceptional nationwide.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, I want to commend staff in this issue. The cable company could care less whether the cable stays in the ground or you move it. They're not going to negotiate and move a cable because somebody wants to buy a piece of land and they'd go broke whatever company it may be. I just want to ask on this, beings the funding's coming from the Hardin Canal project, if we can once the dirt —, once we start selling the dirt, can we commit the \$14,300 right back into that account with the first sales of the dirt? County Engineer Bungard said, all of the proceeds from this are going back into the Hardin Canal project account. I already have checks for a hundred and fifty, I'm waiting for one for fifty. We will make money on this. I won't recover I don't think the full \$950,000, but it will cover everything of our construction cost an right now 901 credits will save the County \$2.5 million.

Chairman Hairsaid, I'll entertain a motion. Commissioner Kicklighter asked, may I finish that thought? Chairman Hair said, yes.

Commissioner Kicklighter said, I'm sorry to disturb you, but I want to commend the staff for this for the wetlands mitigation project. We talk about [inaudible] recreational projects and things such as this. This was a great way to move forward as fast as possible on major drainage projects, which to me is much more important than the recreation projects. I think staff did a great job, a creative job, and I commend Russ [Abolt] and the engineering department for doing a good job on this. And I'll call —, well, no, I think Commissioner Murray.

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

**As to Item 13-K:**

**Change Order No. 2 to the contract for the construction of the Georgetown Lagoons Improvements, Phase I project, to add improvements at the Fawcett Canal undercrossing at Grove Point Road to protect the canal embankments from erosion; SPLOST; Shaw Environmental, Inc.; \$21,523; SPLOST (1998-2003) - Drainage - Fawcett Canal Project**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, thank you, Dr. Hair. And here we are on a SPLOST drainage project, which was recently referenced. The first question is was this contract an RFQ or an RFP? County Engineer Bungard said, bids were solicited. It's a construction contract, not a design contract. Commissioner McMasters asked, so we took the lowest bid? County Engineer Bungard said, we took the lowest bid? Commissioner McMasters said, right. That's what I wanted to establish. Thank you, Al [Bungard]. Al [Bungard], would you please —, do you have a copy of this in front of you? County Engineer Bungard asked, the staff report? Commissioner McMasters said, yes. County Engineer Bungard said, sure. Commissioner McMasters said, okay, it says in the second paragraph of number one, "This Change Order 2 will add improvements at the Fawcett Canal undercrossing at Grove Point Road to protect the canal embankments from erosion." Since this is a change order, is it your opinion and testimony that protection of canal embankments from erosion was not included in the original scope of work? County Engineer Bungard said, this current contractor is working on a project for lagoon improvements in Commissioner Gellatly's district. He is a contractor that is working on a separate project. This happens to be part of the canal system. We have been out there watching and monitoring the improvements made some time ago. We've been observing just like we have out there, we had rip-rap at the outfall to the tidegate. We don't know

if kids were throwing the rocks in there, like happened up at the Georgetown Lagoon or it's erosion, but the rocks are coming down and interfering with the operation of the tidegate. So I went out there with my [inaudible] engineer and said words —, how can we fix this? Well, we had a contractor nearby who was doing very good work. So I asked him, "Are you comfortable having this contractor do this work? If so, let's see if he's willing and get a paper puzzle." Alternative would have been simply to close out his contract and then re-solicit bids for another contractor at a greater cost to come back and do the work. So I asked for a change order. If the Board doesn't want to approve it, we'll just go ahead and not authorize it and then we'll solicit a separate contract. Commissioner McMasters said, right now I think we're trying to understand it. County Engineer Bungard said, okay. Commissioner McMasters said, and let me —, let me ask the question again, and I think it's a yes or a no. If I'm wrong, tell me. The question that I asked is within the scope of the original contract awarded on 12/19/03 for \$199,586 was or was not canal —, protection of canal embankment from erosion part of the scope of work? County Engineer Bungard said, not at this place. It was —, it's similar work, but not at this site. This is about a mile downstream. This is a separate location. The other similar work is up on the Georgetown Lagoon, the inlet and the outlet —, outlet pipes. This is similar work at a different location at the outfall to the canal. Commissioner McMasters asked, well, why are we adding onto —, if it's an entirely different project, why are we adding the cost administratively here for a different project than the one that was bid? County Engineer Bungard said, in our opinion it saves administrative cost. By doing this change order with a contractor that's already mobilized, we don't have to go through the administrative costs of preparing the contract package, going out for bids, going through the bid solicitation process, and it gets it done that we think are good prices by a very competent contractor.

Commissioner Murray asked, can I make a comment on that, too? Chairman Hair said, I don't know if he's through. Are you through? Commissioner McMasters said, I am through. Commissioner Murray said, on a lot of the road projects we do they have taken and done change orders on those projects to save money to have it done with the same contractor even though they're not the same projects because they would tie into that project. It just makes sense to do that in some cases. I understand your concerns about change orders. We all have concerns about some of them, but this, quite frankly, is a legitimate change order and it's going to save us in the long run.

Commissioner McMasters said, thank you. While I appreciate the logic here, I think that the true prospectives on change orders relative to awards is the downside. I mean, if that's the upside, the downside is taxpayers lose any sort of prospective as to what happens to an original bid. For instance, original contract amount —, Al [Bungard], just go ahead and read that for me. This is under three, contract history is as follows. Read those three for me please, current contract amount. County Engineer Bungard said, \$199,586, Change Order 1 \$117,000, Change Order 2 \$21,525. Commissioner McMasters asked, revised contract amount? County Engineer Bungard said, \$338,000. Commissioner McMasters said, that's 59% over the original contract amount. How many taxpayers are going to say how did you get 59% over in two change orders and you're not done? County Engineer Bungard said, when —. Commissioner McMasters said, I know —, I understand what you're saying because I understand the logic, I understand the logistics, I understand the remobilization, but how will we ever understand where our tax dollars go with numbers like this? County Engineer Bungard said, along —, you questions in the past have always had to be —, to do with accountability. There is no less accountability on a project, whether it be with change orders or with multiple contracts. The dollars, the work is all accounted for the same way. It's all a matter of public record and this Board approves every one of them. In this particular case there's a unique history which Commissioner Gellatly is very familiar with. We were originally going to go in with a big project to improve all the lagoons within Georgetown. There was a lot of public resentment. We had several public meetings and there was a group of people that wanted to improve two of the lagoons, no contest. We did that. Once they saw that work and saw how good it was going, they came back and said, okay, we'd like to see the other part done. Ergo, the change order. That could have also been a separate contract, but no less accountability, and so we used the same contractor that had shown how well he could do. Commissioner McMasters said, okay, well I think I made my point that I would prefer that things be separated out into specific projects with specific costs and —, so that everyone can understand how well we're doing. So, having said that, I'm done with this subject.

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

Vice Chairman Thomas said, thank you. We have two other comments. Commissioner Kicklighter and then Commissioner Gellatly.

Commissioner Kicklighter said, I think a lot of this has to do with and the same answer is to the past questions from Commissioner McMasters about change orders in drainage projects is the priority that the past Commission as well as this Commission has put on moving forward in the past with drainage projects, and, you know, correct me if I'm wrong, but I believe that we've started and as you move along trying to correct the drainage projects, you encounter different problems and not the same problems and such as the change order on Pipemakers Canal recently when the thing started eroding in, you know, and we had to approve close to a million dollar change order to [inaudible] upon that area. There's unforeseen things that will pop up from time to time with the drainage projects and I think that we've answered that over and over and over for about three years now with the change orders on the drainage projects. It's been the same question and I believe we've gotten the same answer. There's unforeseen problems that come up and they're moving forward as fast as possible on the drainage projects.

Chairman Hair recognized Commissioner Gellatly.

Commissioner Gellatly said, I'd just like to say that in general terms that I appreciate the County Engineer's initiative on this issue and I'd also like to state that the —, I totally agree that this contractor that we've use on the lagoons is extraordinary. My constituents have reported to me that the contractor has bent over backwards to take care of all of the issues and concerns that they had and I think the old saying, "the proof is in the pudding," we had a lot of rain yesterday and we had absolutely no flooding. Isn't that right, Mrs. Earls? Thank you.

Chairman Hair asked, do we have a motion and a second? Commissioner Kicklighter asked, you didn't make the motion? Chairman Hair said, all right. All those in favor of the motion vote yes, opposed no. Chairman Hair and Commissioners Rayno, Rivers, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner McMasters voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Odell was not present.] Chairman Hair said, the motion passes.

**As It Item 13-N:**

**Confirmation of the emergency issuance of Change Order No. 1 to the contract for Ogeechee Farms Drainage Improvements - Phase I, for the installation of 175 feet of pipe; SPLOST; Southern Champion Construction, Inc.; Not to exceed \$35,000; SPLOST (1998-2003) - Drainage - Ogeechee Farms**

Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, under Facts and Findings, it's number two, "During construction, unstable soils were found in a section of the open channel improvements." Who's going to answer these questions? Chairman Hair said, the County Engineer. Commissioner McMasters said, "Stability of the channel side slope was monitored during wet and dry weather conditions for about 30 days." Who monitored that? County Engineer Bungard said, both our engineer who is here and our construction inspector. Commissioner McMasters said, okay. Who first noticed the problem of unstable soils? County Engineer Bungard said, I guess our inspector. Commissioner McMasters asked, not the contractor? County Engineer Bungard said, well, we —, I mean, we inspect the work daily. I mean, you know, maybe he did notice, but during the course of construction when you start running the heavy equipment over it, you start to notice things about the work. I'm sure he noticed it, but it was reported to us by way of our inspector that's out there checking the work. Commissioner McMasters said, still your inspector found it, but the contractor didn't find it. Chairman Hair said, he said he didn't know. County Engineer Bungard said, it probably happened —. Chairman Hair said, he has no way of knowing —. Commissioner McMasters said, well, if that's the answer, there's a bunch of theories here. I just want to know —. County Engineer Bungard said, either is possible. They were probably doing it together. Commissioner McMasters said, okay. "Various options were considered to stabilize the slope." County Engineer Bungard said, yes. Commissioner McMasters asked, what were those options and did they generate from your staff or from the contractor? County Engineer Bungard said, no, those would come from us. We would take a look at the conditions, get with our consultants who did the, you know, the design and say exactly what kind of soil that created this problem, why is it pumping, did we want to remove what's there and replace it with better material, did we want to fabricate the slopes, did we want to change, you know, the kind of gravel we put on. So during the course of all these recent rains, we're finding out that it just wasn't holding up. It's a smaller version to what happened on Pipemakers Canal. So the staff came back to me and said, okay, for this little section over here, you know, we can probably just pipe it and make it more efficient and easy to maintain. So I asked the obvious question, okay, let's take a look at the line items in the contract. What we want to do is simply take an existing line item and extend it 175 feet. Well, under your policy I don't have the authority even though it's less than 10% to authorize and change the line items there. We have to increase a quantity. It's a procedural thing where I have to come back to you. Commissioner McMasters said, Mr. Bungard, the change order is a 14% increase in the original contract. County Engineer Bungard said, okay, well, then 14%, but the point is I had to come back to y'all to get it approved for just line items there. Even if part of our normal audit as a line item contract, I'm going to have to come back to you. That's why we can only [inaudible] so many change orders. We're probably going to under run certain quantities on a contract where we went over, but I don't know how that's going to shake out. Those are estimated, but at this point it was in the best interest, having a good contractor again, drainage problems, that solved the problem and that's where we are and that's why I'm here.

Commissioner McMasters said, okay, so the first change order is a 14% increase over the original award to the lowest responsible bidder. County Engineer Bungard said, yes. Commissioner McMasters asked, correct? Okay.

Commissioner Kicklighter asked, this is in Commissioner Odell's district, correct? County Engineer Bungard said, yes. Commissioner Kicklighter said, okay. He's not here and I know he needs the drainage improvements. Again, I think the staff is jumping on this working on drainage. That's my top priority on —. Commissioner Gellatly said, this is District Six. Commissioner Kicklighter asked, District Six? No-o-o-o —, Ogeechee. Would it be? Commissioner Gellatly said, yes. Ogeechee Farms would be in the Sixth District. Commissioner Kicklighter said, okay. Well, he is here, and I make a motion to approve it. Commissioner Gellatly said, and I second it.

Commissioner McMasters said, this is not about the worthiness of the work or the capability of staff or the capability of the contractor. This has to do with how this Commission and our staff manage taxpayer money relative to awarding to the lowest responsible bidder and then making change orders. Okay? Chairman Hair said, in your opinion. Commissioner McMasters said, in my opinion. Chairman Hair said, that's right. We've got that in the record.

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

**ACTION OF THE BOARD:**

- a. Commissioner Murray moved to approve Items 13-A through 13-M, except Items 13-E and 13-K. Commissioner McMasters seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]
- b. Commissioner Murray moved to approve Item 13-E. Commissioner Rayno seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion.

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

- c. Commissioner Murray moved to approve Item 13-K. Commissioner Rayno seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner McMasters voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Odell was not present.]
- d. Commissioner Kicklighter moved to approve Item 13-N. Commissioner Gellatly seconded the motion. Chairman Hair and Commissioners Rayno, Rivers, Murray, Gellatly, Kicklighter and Thomas voted in favor of the motion. Commissioner McMasters voted in opposition. The motion carried by a vote of seven to one. [NOTE: Commissioner Odell was not present.]

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## **XI. FIRST READINGS**

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting.

Comments, discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken on one of the following listed items.

1. **AMENDMENT TO SECTION 12-602 OF THE COUNTY CODE TO CLARIFY THE APPLICATION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).**

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

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

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## **XII. SECOND READINGS**

1. **THE REZONING OF 52 RESIDENTIAL PROPERTIES ON THE NORTH SIDE OF OEMLER LOOP AND ON BOTH SIDES OF MORNINGSIDE DRIVE FROM AN R-1-A (SINGLE-FAMILY RESIDENTIAL – 3.5 UNITS PER NET ACRE) CLASSIFICATION TO AN R-1-C (SINGLE-FAMILY – 1.35 UNITS PER NET ACRE) CLASSIFICATION.  
MPC FILE NO. Z-040601-33047-1.  
[DISTRICT 4.]**

Chairman Hair said, I need first a motion to recuse the County Attorney because his firm did some work on this project. Commissioner Murray said, so moved. Chairman Hair asked, second? Commissioner Thomas said, second. Chairman Hair said, all those in favor vote yes, opposed vote no. The motion carried unanimously. [NOTE: Commissioner Odell was not present.] Chairman Hair said, so we'll have the Assistant County Attorney representing us.

Commissioner Murray said, I move for approval. Chairman Hair said, motion to approve. Do we have a second? Commissioner Thomas said, second.

Commissioner McMasters said, I have a question. Chairman Hair said, a question. Why am I not surprised? Commissioner McMasters said, I'm sorry I couldn't surprise you. Commissioner Rayno said, and I like to hear discussion from some of the residents that are here who've waited for two hours. Chairman Hair recognized Commissioner McMasters.

Commissioner McMasters said, Charlotte [Moore], in the June 21<sup>st</sup> memo to the County Commission from the Metropolitan Planning Commission see that there are six voting for the motion, three voting against the motion and one failing to vote. Just procedurally, Mr. Abolt sits on the Metropolitan Planning Commission and he is not accounted for in this vote. Can you explain that? Ms. Moore asked, present that date, is that what you're saying? Commissioner McMasters said, well, there is —, there is a column for absent or failing to vote. Chairman Hair asked, well, what's your point? Commissioner McMasters said, I think I made it, Billy [Hair]. I think the point is this is an incomplete record. Could we get it corrected? Chairman Hair asked, so that's going to affect the motion to approve this? Commissioner McMasters said, it's a question relative —. Chairman Hair said, we'll get the record corrected.

Commissioner Murray asked, can I make a comment? Commissioner McMasters said, sure. Commissioner Murray said, it really doesn't matter what the MPC does. We have the authority to either approve it or disapprove it, regardless of how the MPC has voted. That's a recommendation to us regardless of how many of them voted or didn't vote or either way. Chairman Hair said, we've already established that. We'll get the record corrected.

Commissioner Rayno asked, could we please hear from the citizens that have come here and waited two hours? Chairman Hair said, they're always welcome to speak, Commissioner Rayno. That's been the case for the last eight years.

Mr. Phillip McCorkle said, I'm a citizen and I would like to speak. My name is Phillip McCorkle. I represent three other taxpaying citizens who own this property. Their names are Scott Efird, Mike Awad and Mike Bolen, all residents of Chatham County and they go by The Habersham Group, but that's the names that their mothers gave them. Many times I'm up here trying to get property rezoned to a more open use and I'm compelled by law to put a constitutional objection in the record, and I kind of dance around because I hate to threaten people and I'm not threatening anybody today, but today I'm in a different posture than I normally am. I'm here trying to protect the clients from having this property taken from them, and so I want to do my constitutional objection for the record up front and I hope it will heighten our awareness of this is a very important property rights issue for my clients and the four acres of property that they own. Changing the zoning from R-1-A to R-1-C on property owned by The Habersham Group on Morningside Drive, Wilmington Island, Georgia, would constitute a taking of the petitioners' property without payment of adequate compensation in violation of Article I, Section 3, Paragraph 1, of the Constitution of the State of Georgia, and the Taking Clause of the Fourteenth Amendment of the United States Constitution. In addition, such down-zoning would be arbitrary and capricious, deprive the owner of due process and constitute a violation of Article I, Section 1, Paragraph 1 of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the U. S. Constitution. Finally, such down-zoning would deny the owner equal protection of law as required by the Fourteenth Amendment of the Constitution of the United States and Article I, Section 1, Paragraph 2 of the Constitution of the State of Georgia. The —, this is a very interesting development. You will remember in 2001 the Islands Area Community Plan was adopted by this Board unanimously. In that acknowledgment in the beginning of the plan that was adopted, it says the County Commission would like to acknowledge the work of many Islands community citizens and particularly members of Islands Zoning —, Islands Citizens for Logical Growth and the Land Use Advisory Committee, whose contributions to this plan will make it an enduring and valuable document. In the introduction it said the Islands Area Community Plan is primarily a land use plan with a plan horizon of 2020. It establishes a shared vision for the future of the community based upon extensive public participation and identifies goals, objectives, policies and strategies to achieve the community vision. The specific purposes of the Islands Area Community Plan are to preserve and enhance existing neighborhoods and identify appropriate standards for new residential and commercial development. One of the goals — 3.2.6 — is to maintain the overall density and character of established single-family neighborhoods. Implementation strategy. Expand the R-1-A zoning district to include all areas along the shoreline and several interior areas, thereby increasing minimum lot size to 10,000 square feet and also to increase buffer setbacks of open space and the environmental overlay. And as we are aware, we all know and remember that the environmental overlay also required 30% greenspace in single-family subdivisions, and I believe I'm correct in stating that's the first time that that had been required anywhere in Chatham County. So the zoning would change from R-1 —, R-1-A and the greenspace was added as well in the section of rezonings that were numbered and shown on a map. It said [inaudible] map areas of all one zoning to be rezoned R-1-A and the rationale of this zoning will maintain overall residential development density at a level of recommended by the plan and will protect the character of large lots and low density neighborhoods. So in 2001 there is no question that after really months and I guess even years of work with citizen input from the Islands Citizens for Logical Growth and anyone else who wanted to have input, this property was changed in zoning from R-1 to R-1-A.

Commissioner Kicklighter asked, how many homes are allowed on an acre? Mr. McCorkle said, I had a sketch plan done of R-1 on this piece of property. It would have allowed 16 homes. The homes had to be 6,000 square feet —, the lots, excuse me, 6,000 square feet minimum size, 60-foot frontage. There was no greenspace requirement before this adoption. Therefore, you could have put 16 homes on this piece of property. Commissioner Kicklighter asked, okay, so in 2001 it went from 16 —? Mr. McCorkle said, nine is the maximum. Commissioner Kicklighter asked, nine right this second —. Mr. McCorkle said, right. Commissioner Kicklighter said, and if this goes through, what would that do down it? Mr. McCorkle said, three or four. Three probably.

Commissioner Murray said, I don't want to interrupt, but [inaudible]. Mr. McCorkle said, it's been a while. Commissioner Murray said, I can explain a little bit about it. I used to live there. I lived on Morningside Drive for over 20 years. I haven't lived there in the past little over four years, but all the lots on Morningside Drive are at least one acre or larger. This is a tract of land —, they've got several tracts of lands left in that area that are larger than that that could be developed, and what the citizens did is they came back with a petition, which we approved to send to the MPC to look at it. This is MPC's recommendations coming back to us, and what it does is it's trying to keep —, and I don't know if it will even affect this particular piece of property. I mean, you would know better than I on that, but the whole logic in it was to try to protect the balance of those three or four more tracts that could be developed that way if this goes through. Now whether or not if we approve this today they still do that project or not, I don't know but it's mainly to protect the rest of them in there and I think, if I'm not mistaken, the only ones that were not in favor of this are the ones that own that particular tract of land, but I don't know that for a fact.

Mr. McCorkle said, I don't know if anyone else is here to speak about that or not, as far as anybody else objecting, but —, and nobody really spoke at the MPC meeting because people many times don't like to speak publicly, but there were two or three other folks who had concerns and I told them I could not help them. One client's all I can handle at a time on this, so they had to talk to somebody else on that. So there were other people that had concerns and since we're digressing a moment, let me warn people when they ask for something like this rezoning from R-1-C to stop a particular subdivision project, and I don't think there's any question that my clients' petition generated the interest in that request, sometimes you get more than what you ask for. When —, Isle of Hope, most of Isle of Hope in 1994 was rezoned to R-1-C. Before '94, R-1-A, B and C didn't exist. We just had R-1 and we adopted, and because of Chris Waddell's subdivision and all the brouhaha that that generated, we adopted —, the County Commission adopted R-1-A, B and C, and then they rezoned most of Isle of Hope to R-1-C and this week I had a call from a person who wanted to buy nine-tenths of an acre from a lady on Isle of Hope, the property was zoned R-1-C, and they were going to buy it if he could divide it into two lots and the lady

was going to, after living there all these years, be able to sell her property for a good amount of money, but unfortunately with R-1-C it can't be done. So I'm sure that lady didn't know what —, didn't object, know about it and understand it. When you do these broad-base rezonings, you affect people and I would —.

Chairman Hair asked, can I ask you a question? Mr. McCorkle said, sure. Chairman Hair said, normally a lawyer doesn't confuse me, but I can't —, I don't know if you're representing in favor of this or if you're representing people opposed to it. Which group are you representing? Mr. McCorkle said, opposed. Chairman Hair said, okay. I just wanted to clarify that because, quite frankly, I couldn't understand. Mr. McCorkle said, I'm sorry. Chairman Hair said, from your argument I wasn't quite sure. Mr. McCorkle said, well, I need to tone up my arguments some then. Chairman Hair said, I mean, I really couldn't tell which —. Mr. McCorkle said, well, I was just in my introduction. I'm getting to why I'm against it. Give me a few more moments.

Mr. McCorkle said, to answer Mr. Kicklighter's question, the lots are now required to be twice as big with R-1-C. It would have another huge impact on the developability of the property. Less than two years or approximately two years after the property was zoned from R-1 to R-1-A, my three clients paid \$1,100,000 for four acres of property with the expectation that they were operating within the law, not just 16 lots, but nine lots have 30% greenspace, have a full-size lot not ask for any variances. If you ask for variance, it's a death knell. So —. Commissioner Kicklighter asked, they purchased after it was already down-zoned? Mr. McCorkle said, after it was down-zoned to R-1-A in September of 2003 they purchased the property for over a million dollars with the expectation that all they had to do was follow what the law said and they could put nine houses. Since that time they've spent another \$54,000 in engineering costs and attorney's fees, things of that nature, so they seriously bought the property for development and they understood that on Wilmington Island you had 30% greenspace and larger lots required. They submitted a sketch plan in late February or March of this year after they bought the property in September of last year. The sketch plan produced controversy. They came to me. I said, you know, sketch plans don't mean anything. You need to file a preliminary plan, which they have now done, which is coming up shortly. They do not, even though I would take and do think we're vested in our application, the money we've spent and the fact that we bought the property in expectation of developing it in a certain way, they're still against this down-zoning because one never knows what might happen. This project may not go well, they may not sell the lots, they may want to come back with a different project, and if the zoning has been changed from R-1-A to R-1-C the question of vesting is not nearly as clear. We may have a hurricane this weekend that wipes a lot of things out or things may change completely. Who knows? So it's just —, it's a taking of a property right when clearly there was a lengthy study that went on for year, clearly it said we're changing the zoning from R-1-A —, from R-1 to R-1-A so that we can protect neighborhoods, so that we'll have larger lots in the Islands area. Clearly my client buys the property and spends money in good faith to do nine lots on four acres. Not teeny lots, nine lots on four acres with greenspace, 30% greenspace met, and clearly the neighborhood doesn't want that. So after the sketch plan came up, then there's —, we went [inaudible], you know, down-zone the property again. I'm not going to argue with you, Commissioner Murray, but there are lots in this area that are less than an acre. Mr. Fortner owns a .468-acre lot right next —, not next door, but the one next to that.

Commissioner Murray said, that's on the front part of that street across from where Konter Homes developed a project. Mr. McCorkle said, yes sir, that is in the area that you —. Commissioner Murray said, they just [inaudible] that part of the street is what I'm saying. Mr. McCorkle said, well —. Commissioner Murray said, let me ask you another question though. You brought up something a minute ago that your clients have already submitted a site plan. Is that correct? Mr. McCorkle said, correct. Commissioner Murray said, so —, and this zoning has not been adopted yet. Mr. McCorkle said, correct. Commissioner Murray said, so they would be protected under this even if we approve this today for that one project they want to do, and I think the concern of the residents out there is not necessarily just this one project. You've got several other tracts of land on that same road that if these kind of projects are done on that road, it's out of character with everything that's on that road from the kind of development down, and that is the concern they have, not —. It's trying to protect what's in there. They bought in there thinking there were larger lots and doing what they're doing, and I can understand that. That's one reason I bought down there when I did and built. So I understand what you're saying, but to me it seems like that your clients are protected anyway.

Mr. McCorkle said, well, I don't have any problem frankly with other people asking that their property be zoned R-1-A to R-1-C. If that's the concern is to protect the other properties, then so be it. There are other ways to protect property, restrictive covenants. You know, if you own it, you can sell it to somebody with covenants that says you can't subdivide. There are all kinds of way to protect it. So I don't care about them down-zoning their property.

Chairman Hair said, I think that's an important point though. I want to ask the County Attorney if that, in fact, what you're assuming is correct because I think that would be —, could be a compromise that would make —, you know, it's not going to make everybody happy, but from a legal point of view, we have to follow the law, if —, Emily [Garrard], is Commissioner Murray correct that if this is approved that it would not affect the petition on the property that Mr. McCorkle —. Ms. Garrard said, that would be my opinion because The Habersham Group has a pending application for a site plan. Chairman Hair asked, so it wouldn't affect this property any way? It would just affect future properties? Ms. Garrard said, to make the record clear, it would be better for it to be on the record for, you know, staff's purposes later on, you know, in the permitting process if it is stated clearly in the record that you would exclude this particular piece of property from the rezoning. Chairman Hair said, I don't think you can do that legally. I —, could you make that part of the motion? I don't think you could do that. Mr. McCorkle said, if —, we have done that. The Southeast Land Use Plan, we —, and this is the equal protection part of my argument. We just went through the Southeast Land Use Plan last year. There were three or four people whose property had been recommended to be rezoned to R-1-C, R-1-A, a couple of other things, and they objected. They didn't even have any particular development plans in mind at that point. One of them I represented, which was the Marshall family on several acres on Ferguson Avenue, just like this, big lots on the water like we do in Chatham County, and they did not want their property down-zoned from R-1 to R-1-A or R-1 to R-1-C and that was excluded along with several others. So I believe you can easily exclude this property from the down-zoning. Chairman Hair said, maybe you can, Mr. McCorkle,

but I think what the County Attorney said was it's already protected so why do we need put it in the motion. I guess, I —, to me it's duplication. I don't know. Ms. Garrard said, later on the MPC approved the preliminary plan and various approvals get made and then it goes before Inspections for a building permit, then there's going to be a question on the record as to what the zoning of the property is. Chairman Hair said, okay.

Commissioner Murray said, well, he's sitting right there and he knows the discussions that are going on with this. Chairman Hair said, and he heard your legal opinion that if you're already in, it's not affected, so —. Ms. Garrard said, well, that's fine. It's still my recommendation and my opinion.

Chairman Hair recognized Commissioner Kicklighter.

Commissioner Kicklighter said, there's no guarantee in the future that, you know, any of us will be here, so just to avoid the havoc, I think that's a nice compromise that if we could, you know, if there's no one from the other —, the other landowners objecting to their property being down-zoned. I think that's just a nice compromise between the people that invested their money for development and also the residents that developed —, invested their money to have a certain type area. I'll at this time make a motion that we approve this rezoning excluding his clients for certain land. Chairman Hair said, there's already a motion. Commissioner Kicklighter said, oh, I'm sorry. Chairman Hair said, he's already made a motion, but he didn't include the exclusion.

Commissioner Murray said, I did not and I won't. I feel like that legally it's there and it can be taken care of. The Inspections Department is here, we've got it in our records what we do and, you know, I don't see a problem if it goes through the MPC and stuff and completes that process it's going through that Inspections is not going to sign off on it because of the zoning.

Chairman Hair said, Mr. McCorkle, we have some more folks that want to talk. How much longer is it going to take for you to give your presentation? Mr. McCorkle said, I'm done. Chairman Hair asked, you're done? Okay. Please state your name for the record, sir.

Mr. Garret Weeks said, Garret Weeks and I live in the —, I'm a resident of Morningside Drive. Before I speak, there's a few others that a prepared statement. If they'd like to read them and then I'll follow. Chairman Hair said, thank you. Next?

Ms. Marianne Heimes said, my name is Marianne Heimes and I just would like to make a brief statement. I hope you all heard Mr. McCorkle's great praise of the Islands Land Use Plan. I hope you all remember that. Thank you.

Chairman Hair said, now, come forward, sir.

Mr. Boatright said, Robert Boatright. I have a copy of the petition. We have 55 signatures. We want the zoning to be back the way it was originally three or four years ago. Mary and I have been there since 1967 with our children. The original zoning was R-A. Then a few years ago MPC sent notices that they were going to change the lettering of it; however, there was no explanation what the designation would mean. Only recently we found out it to mean subdivisions. Now that we are awake and enlightened, please rezone according to our petition so that we will be somewhere near the original zoning designation. Thank you very much.

Chairman Hair said, thank you, sir. Anybody else?

Mr. Pete Bilheimer said, my name's Pete Bilheimer and I live out on Morningside Drive also. I think Commissioner Murray pretty much said, you know, where we are. It's obvious that the existing zone is not compatible with the Morningside Drive neighborhood and I think this —, Frank Murray just said that we pretty much agree with that and that's why we're here. So —. Chairman Hair asked, you agree that the rezoning is needed? Mr. Bilheimer said, oh, absolutely.

Chairman Hair said, okay, thanks. Next?

Ms. Maria W. Hoover said, my name is Maria W. Hoover. I grew up in Savannah. I went to school at St. Vincent's and I just recently moved back to Savannah. I'm a physician and I live on Morningside Drive and attorneys confuse me all the time. However, I just wanted to let you know that this isn't just about the money and who has the biggest land. This is about the history of the street and the area that we live in. There's a bald eagle that's nesting on one of our oak trees. Oak trees will be torn down. Parts of these streets are not —, are dirt roads, and we have one of the oldest houses on Wilmington Island in our area. So this isn't just about the rezoning of a lot of homes in one small area. This is about the historic part of our area. I also wanted to say that even though I respect The Habersham Group's state, I think there's a difference between expectation and speculation. Thank you.

Chairman Hair said, thank you.

Mr. Weeks said, me again. I just want to show you a map I got from the MPC showing basically the areas. Basically, this is the residences being rezoned. I wish I had an overhead projector to show you, but to just give you a feel for it, what's the number of people that's in favor of the rezoning? Commissioner McMasters asked, what is the orange part? Mr. Weeks said, this is —, this one right here is the questioned —, this area. It's Mr. McCorkle's clients' property and then there was another one. Mr. Plumbley over at the MPC told me that he talked to him about it, but that's all Mr. Plumbley told me. Chairman Hair said, okay. Mr. Weeks said, y'all heard —, I want to tell you this. Y'all heard part of the history of the rezonings from R-1 to R-1-A to R-1-C, but they did not mention anything about a guideline that's in the MPC —, it's 702, it's the MPC Guideline 702.03 and it basically —, give me a second to find my notes. It basically —. I mean, you're going

to have to give me a split second. When I get in front of a group, I usually get a little nervous, but —. Chairman Hair said, yes, this is a rather intimidating group. I understand. Commissioner Murray said, I've never known you to be nervous. Mr. Weeks said, it's probably the first time Frank [Murray] has ever [inaudible] —.

Commissioner Kicklighter asked, may I speak while you're looking? Mr. Weeks said, sure, sure. Mr. Chairman —. Chairman Hair said, well, Commissioner McMasters is next. Do you yield? Commissioner Kicklighter said, I would be able to do it in a shorter version. Chairman Hair said, well, that's for sure. Commissioner McMasters said, yes, but I think you'd be saying the same thing. Chairman Hair said, no. Do you yield to Commissioner Kicklighter?

Mr. Weeks said, I'm ready now. Commissioner Kicklighter said, he's ready. Mr. Weeks said, I'm ready now and I'm just going to read this. This is the MPC guideline and it's just going to —, I'm just going to say, Action on Preliminary Plats. And it says, where the MPC finds that establishing a family residence and/or possesses a unique historical development pattern based on the earlier development standards and that the unique character of the area should be preserved and enhanced, the MPC may deny the proposed subdivision location or visually related to such area when a proposed lot and general designs do not reflect the character, size and arrangement of the established development pattern under the proposed subdivision and is not otherwise compatible with the established visual character. I mean, they're proposing a 12,000 square foot lot —, I mean, they're going to have to have a street and sidewalks, they're going to have privacy fences down so they're going to be butting up to the rear property lines and nowhere else on this street do you see this type of development. And I might even have maps —, I can take you all the way back to 1757 when Thomas [inaudible] was granted that land with a King's Grant, but we're not going to go that far. And here's some more maps and it's basically shows —, do y'all have this map? Okay, well I don't know what information y'all have, so —. And it's —, they're creating subdivision between acres —, I mean, lots that are in acreage. There's that 1.1 acre land to the left of them, there's a 2.3 acre land to the right of them, and so on down the street you have one acre, one acre, one acre, one acre. There is a general —, there's a development pattern of the area so if y'all just going to —, I just feel like you just can't slice this piece of land out of the rezoning and not include it because by doing that you're going to change the development pattern of the area and this is going to —, this is going to happen all over the Islands. It's a trend that could get started right here today if it's not —, if it's not handled, and let me go on to say that there are —, it's a 4.1 acre tract of land they're trying to develop, but it used to be two lots. Actually, it used to be three parcels. There's a slither [sic]. So what they've done is combine two lots into one to subdivide it into nine, but when they first purchased the land back in September and we —, they represented to the real estate agent, we did call them and find out what the proposed development use of that land was going to be, and everybody —, there was probably more than one or two people here that will tell you that it was four lots, and that's why we weren't in here last September asking for the rezoning to take place to be —, to take place for the rezoning is more compatible with our land use —, with the size of our lots than what it is now. So when we got the letter back in May stating, hey, we're going to have nine lots is why we had a neighborhood get-together, signed the petitions, petitioned y'all, petitioned the MPC to oppose this subdivision because it does not meet the unique character of the area. I mean, there's just —, it does not, and back to what I was telling you, it took two lots, actually three, there's a little slither [sic], combined it into one then subdivided into four, and I don't know why four lots didn't sell, but then they didn't sell any lots, and then they took it, they took the four, combined it back it into one and then subdivided into nine. And Mr. Plumbley describing —, I want to just tell y'all this because y'all have —, y'all feed the fuel to the MPC and give them guidelines to work by —, Mr. Plumbley sat in the MPC meeting at one of our meetings and said basically what they look at —, you need a historical development pattern of the areas, and he took Wilmington Island Road as an example. Wilmington Island Road, he's got Wilmington Island Road and it parallels the river. On one side you have deep lots that runs from the road to the river. I mean, that's what they run from the road to the river and they could be two acre lots, one acre lots, four acre lots, three acre, I mean, they're different size lots. We have Morningside Drive, we have Oemler Loop. Everyone's parallel to the marsh or the river. We have one acre lots, we have two acre lots, we have four acre lots. It's the same comparison and so if he's going to say —, but what he went on to say was he did not —, they did not want somebody to go to the Wilmington Island Road area, take two or three lots that are the skinnier lots, combine them into one and then subdivide them into three or four or five. Now we have a developer that's taking two lots, divided them in —, I mean, subdivided them and combined them into one and wants to divide them into nine, which is just basically going to destroy —, not destroy, I shouldn't say that. They're basically just going to change the unique development character of the area. I mean, that's it in a nutshell. And if it wasn't for the, I don't want to call it the expansion of the water and sewer, or some people call it the intrusion of water and sewer, this would not be taking place. I mean, it would have to have 30,000 square foot tract of land to build just one single-family dwelling, and I think that's from having community water because of the septic tank reasons. And so it's the intrusion of the water and sewer that is changing the unique character of the area. So there's a lot of things involved. You just can't remove one section and say, hey, we just won't include them and resume because it's going to change the unique character of the area. It's going to affect 702.03, the guidelines that the MPC use to work by, and I have pictures. I have aerials. I even have some stuff —, let me show y'all. I wish I had a map. Let me show y'all one more. Let me find it. I got up one morning and got way up in the sky, and I wish y'all could see this. It's an aerial and it's from way up above, and it shows a unique pattern of a subdivision that has lots and sidewalks and, needless to say, this is the Betz Creek area and this is another, this is across the marsh and you can see it's nothing but roads and houses. There's —, that's the development pattern of this area. This is Morningside Drive down here and Oemler Loop. This is the one acre larger tracts. Yeah, they are two lots that have 4.6 and 4.9. I'll give you one more. There's even one more at 6.4. It's a family tract of land that was subdivided, but it just does not comply to the unique historical development pattern of the area. If y'all have anything else, I'll be happy to ask —. I mean —.

Vice Chairman Thomas said, he has that circled. Okay, Commissioner McMasters and then Kicklighter.

Commissioner McMasters said, to the residents of Morningside Drive, let me say that you have my complete support and sympathy. There are great pressures being placed everywhere in our community at this moment. I concur with the doctor. It is, in my opinion, random speculation. I disagree completely with Mr. McCorkle's consistent argument that these are takings. You know, originally downtown Manhattan was a goat ranch. It's no longer that today. The Supreme Court has

—, the United States Supreme Court has ruled that zoning is constitutional, that zoning must take into consideration the adjoining neighbors, the contiguous neighbors and the community at large is something that is rarely acknowledged from the other side. We do have the authority to rezone. It's given to us as your elected officials. Unfortunately, what's going on at this moment is special interests throughout this County have predominantly —, the development community is doing a full-court press to change the County Commission and to reestablish their position and their franchise and their control of government. So I don't know if you're going to be successful today. You certainly have my sympathies, but your real problem is the apathetic voting community here in Chatham County that do not come out and vote, yet people like yourself find the time in your busy schedules to come out and stand up for your rights. So as long as there's this gigantic apathetic group of voters, special interests will beat you every time. Thank you.

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

Commissioner Kicklighter said, thank you. I'm happy to say I don't think the special interests beat anybody here today. I think —, I want y'all to understand that whatever we do here and I'm fine with approving the motion as the Commissioner proposed down there, but what I don't want you to do is walk away, I guess, misled thinking that it's not going to develop because whether we change to rezone that four acre parcel or not, it's there now in the loop and they can do it no matter which way we approve it. It was just a technical recommendation to avoid future, you know, confusion. So, you know, I believe it's going to pass unanimous today to down-zone the entire area, but, you know, not to be misled, they're still going to be able to do whatever because they've submitted the plans, but the winning part is that you got in when you did so, you know, granted this particular area may not be what you want for the area, but at least you did your community a good service by coming together and establishing the zoning for the future. So that's all I have to say.

Vice Chairman Thomas recognized Commissioner Murray.

Commissioner Murray said, just a little bit more about Morningside Drive. A number of years ago, and I don't think some of y'all were on the Commission when it took place, but there was some property at the end of Morningside Drive that someone had purchased and wanted to develop four lots in there and they're only allowed to develop three lots, not the four lots for a lot of different reasons. But I also want the residents that are here today to understand if this motion is adopted, if we approve this motion today to do what y'all have requested, it's not up to us to make any changes to the piece of property that's in question right now because that is their legal right and they've already started the process and I'm sure that if it goes to court, the judge will probably end up ruling in their favor anyway. I'm not an attorney, so —, but I would just think because that's why we started that process, but this is being done as y'all requested to protect any of this happening with any of those larger tracts that are still left and owned by single families in there right now that might want to sell to someone and have it subdivided into small lots. So with that, you know, we've got a motion. I don't know whether anybody else wanted to speak or not, but —.

Commissioner Rivers said, call for the question.

The motion carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present when this vote was taken.] Vice Chairman Thomas said, the motion is carried. Thank you.

**ACTION OF THE BOARD:**

- a. Commissioner Murray moved to recuse County Attorney Hart due to a conflict of interest. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioner Odell was not present.]
- b. Commissioner Murray moved to approve the rezoning of 52 residential properties on the north side of Oemler Loop and on both sides of Morningside Drive from an R-1-A (Single-Family Residential – 3.5 units per net acre) classification to an R-1-C (Single-Family – 1.35 units per net acre) classification. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present when this vote was taken.]

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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:** August 13, 2004

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

<b>ITEM</b>	<b>DEPT.</b>	<b>SOURCE</b>	<b>AMOUNT</b>	<b>FUNDING</b>
Six sets (A-Z) deed record books	Superior Court Clerk	Advertools, Inc. (sole source)	\$7,726.80	General Fund/M&O - Superior Court Clerk
Yearly lease on paper recycling trailer for Wilmington Island Drop Off Center	Solid Waste	Ryder Transportation Services, Inc.	\$3,300	Solid Waste Management Fund
5,000gl aviation fuel for helicopter	Mosquito Control	Sommers Oil Company	\$7,709.67	General Fund/M&O - Mosquito Control
Yearly rental on two copy machines	Police	Coyle Business Products	\$8,280	SSD - Police
20 batteries for the UPS system in the computer room	ICS	Nationwide Power Systems, Inc.	\$2,590	General Fund/M&O - ICS
Engineering services to include revision of concept report and traffic study and additional survey for extension beyond Rio Road	SPLOST	Hussey, Gay, Bell and DeYoung	\$9,852	SPLOST (1993-1998) - Abercorn Safety Project

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Rayno, seconded by Commissioner Murray and unanimously approved, the Board recessed at 11:26 a.m., to go into Executive Session for the purpose of discussing litigation, land acquisition, and personnel. [NOTE: Chairman Hair and Commissioners Rivers and Odell were not present when this vote was taken.]

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 11:48 a.m.

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**ITEMS FROM EXECUTIVE SESSION**

**1. REQUEST BOARD AUTHORIZE SETTLEMENT OF THE CLAIM OF HEATHER ALDRIDGE (JONATHAN HART)**

**ACTION OF THE BOARD:**

Commissioner Rivers moved to authorize the County Attorney to settle the claim of Heather Aldridge in the amount of \$6,000. Commissioner Kicklighter seconded the motion and it carried unanimously. [NOTE: Chairman Hair and Commissioner Odell were not present when this vote was taken.]

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

**ACTION OF THE BOARD:**

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

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**ADJOURNMENT**

There being no further business to be brought before the Board, Vice Chairman Thomas declared the meeting adjourned at 11:49 a.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