

**CAMDEN COUNTY BOARD OF COMMISSIONERS MEETING  
TUESDAY, NOVEMBER 6, 2007 6:00 PM  
COUNTY ANNEX  
KINGSLAND, GEORGIA**

**A regular meeting of the Camden County Board of Commissioners was held at 6:00pm on Tuesday, November 6, 2007 at the County Annex in Kingsland, Georgia.**

**Present: Chair Preston Rhodes; Vice-Chair Katherine Nisi-Zell; Commissioner David Rainer; Commissioner Stephen L. Berry; Commissioner Charlene Sears; County Administrator Steve L. Howard and County Attorney Brent Green.**

**Chairman Rhodes called the meeting to order at 6:00 p.m.**

**Chairman Rhodes delivered the invocation and then led the Pledge of Allegiance.**

**The roll call indicated that all Commissioners were present.**

**AGENDA AMENDMENTS:**

Vice-Chair Zell stated that she would like to make an addition to the agenda:

Vice-Chair Zell asked County Administrator Steve Howard to draft a policy regarding Board of Commissioners meeting dates when the regular meeting is in conflict with an Election Day.

Vice-Chair Nisi Zell made a motion, seconded by Commissioner Rainer to approve the agenda amendment.

**The motion carried unanimously.**

**MOTION TO ADOPT THE AGENDA:**

Vice-Chair Zell made a motion, seconded by Commissioner Sears to adopt the agenda as amended.

**The motion carried unanimously.**

**APPROVAL OF MINUTES:**

Commissioner Sears made a motion, seconded by Vice-Chair Zell to approve the regular meeting minutes of October 16, 2007.

**The motion carried unanimously.**

## **WORK SESSION:**

### **Discussion of Fiscal Issues regarding Sheriff's Office 07/08 budget for 1<sup>st</sup> and 2<sup>nd</sup> quarters and possible action regarding the E-911 Center Agreement between Camden County Board of Commissioners and Camden County Sheriff.**

#### Discussion:

County Administrator Steve Howard stated that a Board of Commissioners meeting was held on August 21, 2007 where in the Sheriff's Office was allocated a budget of seven million dollars (\$7,000,000.00) for all of its departments for the fiscal year 07/08. He explained that the seven million dollars to be allotted in monthly installments of \$583,333.33. He stated that on September 21, 2007 a letter was sent to Sheriff Smith showing the first quarter of July, August and September had a positive cash flow of twenty thousand dollars (\$20,000.00) as of that date. He stated that on October 25, 2007 another letter was sent to Sheriff Smith giving an overview of their current budget status and concerns of a deficit that was projected for the months of November and December. He stated that based on their current expenditures for the months of November and December, and if the allotments for both of these months were to be combined; the Sheriff's Office would only be able to cover their payroll and no other operational expenses. He stated that as of today there have been no additional expenditures for the month of November and the second payroll for the month will be met. He explained that when the third payroll for the month of November is paid the Sheriff's Office will have a \$46,000.00 deficit in their budget. He explained that the deficit of \$46,000.00 would not include any additional operational expenditures after tonight. Mr. Howard stated that he wanted to bring this issue to the attention of the Board as a precautionary measure. He stated that one of his obligations as County Administrator is to ensure that this information is provided. Mr. Howard stated that Camden County is currently operating under an Agreement for the management of the E-911 Center with Sheriff William E. Smith. He explained that in light of the current financial conditions involving with the Sheriff's Office, he feels that this is an issue that needs further discussion by the Board of Commissioners. He stated that the budget for the Sheriff's Office was set at (\$7,000,000.00) and when those allotments are expended he is not authorized to provide them with any extra funding.

Sheriff William E. Smith addressed the Board and stated that he knows it is a political year and Commissioner Berry and Tommy Gregory are involved in an imbroglio with him. He stated that he would like to see partisan politics taken out of the discussions regarding the E-911 Center. He explained that the issue revolves around lives of individuals that work for the Sheriff's Office. He stated that the Board of Commissioners has cut the Sheriff's Office to a point that they have problems making payroll. He stated that the individuals that work at the E-911 Center are diligent and hard working. He stated that recently he was ridiculed for sending several officers up to South Carolina, yet because of the efforts of these officers, the Sheriff's Office will receive a check for three hundred thousand dollars (\$300,000.00). He stated that this money will be used to purchase vehicles for the Sheriff's Office. He stated that he doesn't remember the Board of Commissioners purchasing six vehicles for the Sheriff's Office in the last ten years. Sheriff Smith asked Commissioner Berry to leave politics out of the issue involving the E-911 Center.

Attorney Jim Benefield stated that he has been hired by the Sheriff's Office to look at two things. He stated that there is no early termination clause in the E-911 contract between the Camden County Board of Commissioners and Sheriff William E. Smith. He stated that perhaps at the time this contract was approved the Sheriff's Office and the Board of Commissioners had a much friendlier working relationship. He stated that if the E-911 contract were to be terminated it would constitute a breach of contract. Mr. Benefield stated that the law concerning the surcharge fees for the E-911 Center is very clear that money collected from these fees must be held in a separate account and should be used to fund the E-911 Center. He stated that the money collected from these fees could be used to buy equipment, pay salaries and used for anything that involves keeping the E-911 Center functioning.

Captain Wesley Walker stated that he is here to offer a possible solution to the Board of Commissioners. He explained that he has had discussions with County Administrator Steve Howard and Finance Director Mike Fender about the recent shortfalls in the Sheriff's Office budget. He stated that his solution involves tapping into the funds in the E-911 surcharge account. He stated that those funds have been there for several years and have only been utilized for emergency situations such as updating the E-911 Center to Phase II compliance. He stated that he wishes to see the E-911 Center run solely off of the funds generated through surcharges fees and there are E-911 Centers all over the State of Georgia that are able to do this. Captain Walker stated he believes Commissioner Berry is dead set on seeing the Sheriff's Office fall flat on their face. He explained that he believes Commissioner Berry knows that the solution he has presented tonight is workable, but the only way to block that is to take the E-911 Center away from the Sheriff's Office.

Vice-Chair Zell asked Captain Walker what cuts the Sheriff's Office has implemented to comply with the budget set by the Board of Commissioners.

Captain Walker stated that through attrition there are some vacancies within the Sheriff's Office that will remain unfilled. He explained that allowing these positions to remain unfilled will save the Sheriff's Office \$54,500.00 a pay period. He stated 22 vehicles and two boats have been taken off line and will be auctioned off allowing the Sheriff's Office to recoup some monies. He explained that uniforms are being sent to the cleaners and reissued rather than purchasing new ones. He stated that the contract the Sheriff's Office is currently under with Alltel regarding paging services is being renegotiated and will save approximately \$7,000.00 a year. Captain Walker stated that Alltel has been overcharging the Sheriff's Office for cell phone numbers that are not in use. He explained that the Sheriff's Office will do anything they can to cut costs and meet the budget the Board of Commissioners set.

Vice-Chair Zell asked Captain Walker how many vehicles are driven home by Sheriff's Office employees.

Captain Walker stated that the Sheriff's Office has a policy that states all certified officers and administration employees are issued a vehicle to take home. He stated that allowing the officers and administration employees to have vehicles to take home gives a presence in the community to detour crime.

Vice-Chair Zell asked Captain Walker how many officers are assigned to patrol duty.

Captain Walker stated that there are 16 active patrol officers.

Vice-Chair Zell asked Captain Walker how many employees are there in the Sheriff's office.

Captain Walker stated there are approximately 130 total employees at the Sheriff's Office.

Vice-Chair Zell asked who pays for the fuel for the new boat and truck recently purchased by the Sheriff's Office with confiscated drug funds.

Captain Walker stated that the Sheriff's Office pays for the fuel.

Vice-Chair Zell stated that those are additional fuel costs which have been incurred through the purchase of the new boat and truck with confiscated drug funds.

Captain Walker stated that the Sheriff's Office is auctioning off the other two (2) boats to offset some of those expenses.

Vice-Chair Zell stated that the Navy and the Coast Guard have made a strong statement in that they are not in need of Camden County's help with patrolling the waterways.

Captain Walker stated that statement is contradictory to what he has been told by the Navy and the Coast Guard. He explained that the Navy and the Coast Guard have met with the Sheriff's Office Drug Interdiction Team to help coordinate plans to work together. He stated that the Drug Interdiction Team is training with the Coast Guard, Navy and DNR to be able to patrol further off shore.

Vice-Chair Zell stated that she read an article in the newspaper shortly after the boat and truck were purchased where the Navy and Coast Guard stated they were not in need of Camden County's help with patrolling the waterways. She stated that Sheriff's Office boats are still traveling to Cumberland Island.

Captain Walker stated that the Sheriff's Office travels to Cumberland Island when needed and they recently had an emergency call to Cumberland. He explained that a person camping on the island called 911 to report a fight between a mother and a daughter who were also camping. He stated that the mother was arrested and taken to jail.

Vice-Chair Zell asked Captain Walker if an officer goes to a 911 call on Cumberland Island if they would have a Sheriff's Office uniform on.

Captain Walker stated yes they would have a uniform on.

Vice-Chair Zell stated that she lives next door to the Sheriff and yesterday while outside her home she noticed a man, in plain clothes, and women leaving the Sheriff's dock in the Sheriff's Office boat.

Sheriff Smith asked Vice-Chair Zell if it was him in the boat.

Vice-Chair Zell stated that it wasn't the Sheriff, but she did have the vehicle tag number from the vehicle.

Captain Walker stated that Vice-Chair Zell has brought this to his attention before and he asked Vic-Chair Zell to make him aware of these situations before hand and they can better be dealt with.

Vice-Chair Zell stated that she never heard anything regarding the previous incident she reported to the Sheriff's Office.

Captain Walker stated that he will look into this matter tomorrow.

Vice-Chair Zell stated that one of the Sheriff's Office boats does not have any identification numbers on the side.

Captain Walker stated that the Sheriff's Office is exempt from that code section under Georgia Law.

Vice-Chair Zell asked how the Sheriff's Office boat will be identified if the people using it have a wreck.

Commissioner Berry stated that he was curious how people can go over to Cumberland Island on a Saturday in one of the County's boats and the Sheriff's Office is not aware their identity.

Captain Walker stated that this was the first time he had heard of this incident.

Commissioner Berry stated that it was not the first incident he had been made aware of regarding people in plain clothes out on the boat.

Sheriff Smith asked Commissioner Zell for the tag number of the vehicle she saw the people arrive in and the matter would be investigated further.

Chairman Rhodes asked Captain Walker if the \$54,000.00 that will be saved per pay period for the vacant positions is already being implemented.

Captain Walker stated that the positions will remain vacant at this time and if other vacancies arise that are not needed they will not be filled.

## **REPORTS:**

### **A. Calendar**

The November/December calendar was read.

## **B. County Administrator's Report**

County Administrator Steve Howard stated that he asked Solid Waste Director Lannie Brant to give the Board of Commissioners some good news.

Mr. Brant stated that the Solid Waste Authority of North America has chosen the Camden County Solid Waste Authority to receive an award as being best in the State of Georgia for outstanding landfill operations. He explained that this award recognizes Camden County Solid Waste as having excellence in operation, financial strength, resourcefulness, and community involvement.

County Administrator Steve Howard asked Chief Gailey to give the Board of Commissioner more good news.

Chief Gailey stated that in October the Governor awarded Camden County with a \$25,000.00 grant for the search and rescue team. He explained that Camden County is 1 out of 10 agencies in Georgia with a highly trained search and rescue team.

County Administrator Steve Howard stated that Chairman Rhodes is doing a great job as Co-Chair of the Strategic Planning Steering Committee. He stated that he and staff are working on draft questions for a citizen survey, continuing to monitor House Bill 900 and he is continuing his reorganization of County government. He explained the reorganization plan requires him to strategically look at how the County can better operate. He stated that he will move forward now in creating the Office of Strategic Planning and this office will report directly to the County Administrator. He stated that the Strategic Planning Director will look at issues pertaining to planning and moving Camden County in the right direction. Mr. Howard stated that he will transition Diana Smith into that role and recruit for the County Clerk position. He stated that he has funds within his budget for this phase of the reorganization and he is not seeking any additional dollars for this transition.

### **PUBLIC COMMENTS:**

**None.**

### **OLD BUSINESS**

**None.**

### **NEW BUSINESS**

#### **1. Approve and authorize the Chairman to execute the Tax Release Applications.**

Commissioner Rainer made a motion, seconded by Commissioner Sears to approve and authorize the Chairman to execute the Tax Release Applications.

**The motion carried unanimously.**

**2. Approve and authorize the Chairman to execute Resolution regarding the Option for Consent Agenda.**

Vice-Chair Zell made a motion, seconded by Commissioner Sears to approve and authorize the Chairman to execute Resolution regarding the Option for Consent Agenda.

**The motion carried unanimously.**

**3. Approve and authorize the Chairman to execute Deeds from the purchase of Real Estate for the Central Offices parking.**

Vice-Chair Zell made a motion, seconded by Commissioner Rainer to approve and authorize the Chairman to execute Deeds from the purchase of real estate for the Central Offices parking.

**The motion carried unanimously.**

**4. Consideration of Termination of Current E-911 Agreement between Camden County Board of Commissioners and Camden County Sheriff.**

Commissioner Berry made a motion, seconded by Vice-Chair Zell to terminate the current E-911 Agreement between the Camden County Board of Commissioners and Camden County Sheriff William E. Smith and delete one million dollars (\$1,000,000.00) from the monies allocated to the Sheriff's Office for the E-911 FY 07-08 budget.

Discussion:

Commissioner Berry stated that the bigger issue is to secure the E-911 operations. He explained that his fear is the Sheriff's Office will not meet their third payroll and they are still spending money at the rate of their original requested budget of \$9,000,000.00. He stated that the Sheriff's Office did not challenge the budget the Board of Commissioners set for them of \$7,000,000.00 and Captain Walker's answer to the problem is to give the Sheriff's Office more money. He stated that he has no doubt the E-911 Center can operate from the funds generated from the surcharge account. He stated that the money allocated in the Sheriff's Office budget for the E-911 Center can be taken out of the budget and the E-911 Center can operate off of the surcharge account. He stated that the \$1,000,000.00 allocated within the Sheriff's Office budget to operate the E-911 Center can go back to the tax payer in the fund balance. Commissioner Berry stated that the employees are working for the Board of Commissioners and the County owns the building and the equipment used to run the E-911 Center. He stated that the Agreement between the Board of Commissioners and Sheriff William E. Smith is simply a management agreement.

Sheriff Smith stated that the County already has one frivolous lawsuit against the Sheriff's Office regarding the seized asset account. He stated that Commissioner Berry already knows what the outcome of that lawsuit will be and now the County wants to go to court for another frivolous lawsuit. He stated that the E-911 Center is not broken.

Commissioner Sears stated that there are a lot of logistics that need to be looked at before the Board of Commissioners tries to take over the E-911 Center. She stated that the Sheriff has not breached a contract and the Board of Commissioners was faulty when they decided on a budget for the Sheriff's Office that did not include three pay periods. She explained that Commissioner Berry is putting people's lives in the middle of a political battle. She stated that most of the equipment used to run the E-911 Center was purchased with seized assets and that money is under the direct control of the Constitutional Officer. She stated that the Board of Commissioners does not want control of the E-911 Center; Commissioner Berry wants control of it. Commissioner Sears asked who put this item on the agenda.

Commissioner Berry stated that he asked that this item be placed on the agenda.

Commissioner Sears stated that this item is another sales opportunity for the local press. She stated that the finance department does know how they spend their money and the Sheriff's Office has not been on a spending spree. She explained that the Sheriff's Office is operating bare bones and the surcharge monies are there to fund the payroll, operating expenses and the equipment for the E-911 Center. She stated that the E-911 Center needs to run just as it has been and fund the Sheriff's Office payroll because the Board of Commissioners did not plan for three (3) pay periods. She stated that this item needs to be tabled until the Board of Commissioners logistically thinks about this item.

Commissioner Berry stated that Commissioner Sears's argument is ludicrous.

Commissioner Sears stated the E-911 employees should be paid from the E-911 fund.

Commissioner Berry asked Commissioner Sears if the people of Camden County own the equipment in the E-911 Center.

Sheriff Smith stated that the drug dealers bought the equipment in the E-911 Center.

Commissioner Sears stated that the equipment in the E-911 Center is under the control of the Sheriff.

Commissioner Berry asked Commissioner Sears if Sheriff Smith personally owned the equipment.

Commissioner Sears stated that Sheriff Smith is in control of the equipment.

Commissioner Berry asked County Attorney Brent Green to enlighten Commissioner Sears on who owns the equipment in the E-911 Center.

County Attorney Brent Green stated that all equipment is owned by the Camden County Board of Commissioners. He explained that the Sheriff not a legal entity and cannot own the equipment.

Commissioner Sears asked Commissioner Berry who owns the building where the E-911 Center is located.

Attorney Green stated that the Camden County Board of Commissioners owns the property as well.

Commissioner Rainer stated that they are dealing with a very sensitive issue that is detrimental to the welfare of the people. He stated that there is no rush to terminate this agreement. He stated that the money should be not be allocated in twelve (12) equal payments. He explained it should be \$7,000,000.00 for the year.

**So Voted:**

**Chairman Rhodes – Aye**

**Vice-Chair Zell – Aye**

**Commissioner Rainer – Nay**

**Commissioner Berry – Aye**

**Commissioner Sears – Nay**

**The motion carried 3-2.**

**5. Approve and authorize the Chairman to execute a Resolution for the Annexation of Walling Tract to the City of Kingsland.**

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to approve and authorize the Chairman to execute the Agreement for the Annexation of Walling Tract to the City of Kingsland.

**The motion carried unanimously.**

**6. Consideration of a Resolution for the Annexation of Reflections of Nature Landscape Nursery, Inc. to the City of Kingsland.**

Planning and Development Director Loretta Hylton stated this property is located just east of the on ramp for I-95 at the Harriett's Bluff Exit and it was recently cited for code violations.

County Attorney Brent Green stated when this property originally came before the Planning Commission it was understood that there would be no outside storage. He stated that the property owner has been told to clean up the items being stored outside.

Mrs. Hylton stated that Kingsland's current zoning conditions will allow this property to continue the outside storage with a minimal buffer that would have to be allowed time to grow.

Vice-Chair Zell stated that when the owner came before the Board of Commissioners for a Special Use Permit he promised there would be no outside storage and the property is an eyesore.

Vice-Chair Zell made a motion, seconded by Commissioner Rainer to deny the Resolution for the Annexation of Reflections of Nature Landscape Nursery, Inc. to the City of Kingsland.

**The motion carried unanimously.**

**ADDITIONAL PUBLIC COMMENTS:**

Vernon Copeland

Mr. Copeland stated that he has called 911 on several occasions and has been very satisfied with their services. He stated that Commissioner Berry said that there was not a tax increase and he has several properties that the property taxes have gone up. He stated that he asked the Board of Commissioners to protect the private land owners from the developers and at the last meeting all the planning and development items were combined and approved with no discussion. He stated that the Board of Commissioners is letting the developers run over people that have lived here for many years.

**ADJOURNMENT:**

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to adjourn the November 6, 2007 meeting. The vote was unanimous to adjourn the meeting at 7:15p.m.

Respectfully submitted,

\_\_\_\_\_  
Preston Rhodes, Chairman

\_\_\_\_\_  
Diana Smith, Executive Assistant/Clerk