

**CAMDEN COUNTY, GEORGIA  
BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
AUGUST 4, 2009, 6:00 PM**

**A regular meeting of the Camden County Board of County Commissioners was held at 6:00 p.m. on Tuesday, August 4, 2009, in the Board of Commissioners' Meeting Chambers of the Government Services Building, Woodbine, Georgia.**

Chair Rainer called the meeting to order at 6:00 p.m.

Chair Rainer delivered the invocation.

Chair Rainer led the Pledge of Allegiance.

**Present: Chair David L. Rainer; Vice-Chair Katherine Nisi Zell; Commissioner Willis R. Keene, Jr.; Commissioner Stephen L. Berry; Commissioner Charlene Sears; County Administrator Steve Howard, County Attorney Brent Green and Diana Smith. Interim County Clerk Kathryn Bishop was absent.**

**AGENDA AMENDMENTS:**

Addition to Regular Agenda:

Item 10 - Request for Interest & Penalties paid on Ad Valorem Taxes.

Removal of Item 5 - Letter of Support for Georgia Work Ready Region Proposal.

Vice-Chair Zell made a motion, seconded by Commissioner Sears to approve the agenda amendments as presented.

**The motion carried unanimously.**

**MOTION TO ADOPT THE AGENDA:**

Commissioner Keene 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 minutes of the July 14, 2009 Work Session & Regular Meeting Minutes.

**The motion carried unanimously.**

**PRESENTATION:**

- Recognition of Service of previous Board of Registrar members.

Chair Rainer asked if any of the previous Board of Registrar members were present. Being none Chair Rainer read the certificates and named the members being recognized.

- Recognition of Service of Dr. Rick Walsh of the St. Marys River Management Committee.

Commissioner Sears presented the Certificate of Recognition of Service to Dr. Rick Walsh of the St. Marys River Management Committee.

**PUBLIC COMMENTS:**

Everett Burch, Woodbine

Mr. Burch stated that he had concerns with the new ordinance restrictions in reference to mobile homes. He stated that the new restrictions require the mobile home to be sixteen (16) feet wide and a majority of mobile homes within mobile home parks are twelve (12) feet wide. He stated that he has rehabbed many mobile homes and he has concerns with the new restrictions.

Russell Sloop, Woodbine

Mr. Sloop stated that he has concerns with two (2) docks in his area and the County's new drainage system in place. He stated that several properties were drained into one (1) pipe which is running under the docks causing erosion, in turn washing the docks away.

Chair Rainer asked Mr. Sloop to please get with County Administrator Steve Howard and Public Works Director Scott Brazell to look into the issue.

Mr. Sloop stated that during previous discussions with Public Works Director Scott Brazell he was informed that the Department of Natural Resources would not allow the drainage to be installed any other way. He explained that he would like the drainage to be back the way it previously was constructed.

John Terry, Woodbine

Mr. Terry stated that he has written a letter regarding his concerns about the relocation of the State Probation Office to an area where children play and cookouts are held. He stated that there are thirty (30) to forty (40) children in this area and the Old Woodbine School where family functions are held. He stated that it is the wrong place to relocate this office.

Danny Ricketson, Waynesville

Mr. Ricketson stated that his concerns are with the new restrictions on the size of a mobile home moved into Camden County. He stated that only a sixteen (16) foot wide mobile home can be moved and he cannot move a fourteen (14) foot wide mobile home without arbitration. He cannot move his fourteen (14) foot mobile home to a better area due to these regulations. He stated that he spoke with a representative of the mobile home association and the association is currently working to have legislation passed that will not allow counties to discriminate what size mobile home is allowed. He stated that this is unfair to the poor community.

## **Consent Agenda**

1. Approval of Tax Release Applications.
2. Approval of Indigent Defense Services Agreement.
3. Reappointment of Rev. Mary Jane Stevens & Janice Casey to the Bryan Lang Historical Library Board of Directors.
4. Appoint Patricia C. Barefoot to the Bryan Lang Historical Library Board of Directors.

Commissioner Sears made a motion, seconded by Vice-Chair Zell to approve the Consent Agenda items.

**The motion carried unanimously.**

## **Regular Agenda**

5. Letter of Support for Georgia Work Ready Region Proposal.

***This item was removed during agenda amendments.***

6. United States Department of Justice - Single Audit Report for Camden County, Georgia.

County Attorney Green stated that a letter was received by the Sheriff and copied to the

Board of County Commissioners from the United States Department of Justice regarding the Federal Seized Asset Program. He stated that currently the Sheriff's Office is meeting all criteria except for paragraph six (6), and he was instructed to look into this matter as far as payment.

Chair Rainer stated that the best method for resolution would be to meet face to face with the officials from the Department of justice, as well as the Sheriff to resolve this matter.

Commissioner Keene stated that he agrees with Chair Rainer's comments and the amount may be able to be reduced. He explained that all the other items are in compliance and the amount may be able to be reduced.

Vice-Chair Zell stated that she agreed with the comments made by chair Rainer and Commissioner Keene.

Commissioner Berry asked what the talk will consist of with the United States Department of Justice.

Commissioner Keene said that should be discussed before sending representatives from the County to meet with the United States Department of Justice.

Chair Rainer explained that the letter received from the United States Department of Justice was received and two (2) points were made that should be taken into consideration. He stated that the letter asks if there is any other documentation for any other item and has every effort been exhausted to ensure that no other documentation exists. He stated that the letter also states that once the monies are received, the monies will be put right back to be eligible to be spent again. He stated that he believes that it is owed to the people of Camden County to at least meet face to face with the United States Department of Justice.

Commissioner Berry stated that he has no problem with attempting to work it out but common sense is needed to some degree. He stated that six hundred thousand dollars (\$600,000.00) of monies were misspent and the United States Department of Justice was alerted to this eight (8) years ago and nothing was done. He explained that they were again alerted three (3) years ago and then again the following year and nothing was done about it. He stated that after being alerted so many times they in turn placed it back in the Board of Commissioner's hands to remedy. He asked why the Board does not tell the United States Department of Justice that.

Chair Rainer stated that he does not disagree with Commissioner Berry's comments and that could be one of the things proposed to the United States Department of Justice. He stated that an effort must be at least attempted to find resolution through administrative channels.

Commissioner Berry stated that he does not feel it is right that this burden be placed back on the Board of county Commissioners.

Chair Rainer stated that this is the government.

Commissioner Berry asked that our Congressman be involved.

Chair Rainer stated that talking to Congressman Kingston and both the Senators would be the first step he would recommend. He explained that no effort should be left unturned to attempt to resolve this matter.

Commissioner Berry stated that he would like to send a letter to the United States Department of Justice stating that this is not the fault of Camden County and they were alerted to this issue on several occasions and nothing was done.

Commissioner Sears stated that she feels a letter should be sent to the Department of Justice stating the County does not feel responsible for the misspending of these monies by the former Sheriff. She stated that it should include that the former sheriff chose to spend those monies in this manner and a new Sheriff is now in office. She explained that the letter should explain that the County would still like to be a part of this

program, starting new with checks and balances in place, and the past monies should be forgiven.

Commissioner Berry stated that he agreed with Commissioner Sears comments.

Sheriff Tommy Gregory stated that he contacted the U.S. Department of Justice and asked how Camden County can get back in the Federal Seized Asset Program. He stated that he was told that the County would need to spend six hundred thousand dollars (\$600,000.00) to be eligible for twenty million dollars (\$20,000,000.00). He stated that this process began back in February 2009 and this letter was sent from the Criminal Division of the U.S. Department of Justice. He stated that when he assumed office he immediately sent a letter to the U.S. Department of Justice stating the same issues that the Board just pointed out. Sheriff Gregory read the letter that was sent to the U.S. Department of Justice, from February 2009, to the Board. He stated that the letter he received recently was from another division, the criminal division, of the U.S. Department of Justice.

Chair Rainer asked Sheriff Gregory if he would disagree with the content of the letter the Board proposes to send as detailed by Commissioner Sears.

Sheriff Gregory stated that he had no issues with the letter as detailed by Commissioner Sears. He explained that he would much rather derive the monies to pay back from the drug dealers than allowing this burden to be placed on the tax payer.

A Consensus of the Board was to allow County Attorney Brent Green and County Administrator Steve Howard to send a letter to the U.S. Department of Justice as detailed by Commissioner Sears previous comments.

All Commissioners agreed.

Sheriff Gregory stated that fiscal year 2009 was completed under the allotted six (6) million dollar budget. He stated that the Camden County Sheriff's office has been awarded grant monies to cover three (3) positions for a total of three (3) years in the amount of three hundred and forty-six thousand five hundred and thirty-five dollars (\$346,535.00). He explained that the Edward Byrne Grant was applied for in a joint effort with the St. Marys and Kingsland police departments to upgrade technology, as well as another grant in the amount of five hundred thousand dollars (\$500,000.00) is hoped to be awarded next month. He stated that no other Sheriff has applied for this amount of grant monies in the last twenty-four years.

7. Amended Contract with Georgia Department of Transportation (GDOT) regarding Kingsland Bypass, Phase I.

Commissioner Keene made a motion, seconded by Vice-Chair Zell to approve the Amended Contract with Georgia Department of Transportation (GDOT) regarding Kingsland Bypass, Phase I.

**The motion carried unanimously.**

8. Approval of 2010 Local Assistance Road Program (LARP).

Vice-Chair Zell made a motion, seconded by Commissioner Sears to approve the 2010 Local Assistance Road Program (LARP).

**The motion carried unanimously.**

9. Budget Amendment for grant (Fiscal Year 09).

Commissioner Sears made a motion, seconded by Vice-Chair Zell to approve the Budget Amendment for grant (Fiscal Year 09).

**The motion carried unanimously.**

10. Request for Interest & Penalties paid on Ad Valorem Taxes.

Commissioner Sears made a motion, seconded by Vice-Chair Zell to approve the recommendations presented regarding the Request for Interest & Penalties paid on Ad Valorem Taxes.

Commissioner Sears stated that she would like to express thanks to Lee Bernasek for the form he created to help remedy the issues in the future.

Mr. Bernasek stated that unfortunately the situation is still ongoing and penalties and interest have accrued when it was not necessary. He stated that the Tax Assessors office followed exactly what they were told to do. He stated that what they are provided to follow was an error and that is what he corrected. He stated that this correction was accepted by the Tax Assessors and has essentially helped to remedy the issues causing the error. He explained that this form will improve procedures and reduce errors. He stated that the position to deny his request for refund is unfair.

Commissioner Keene stated that he commends Mr. Bernasek for the form he created but the procedure was followed. He stated that he still has to be treated as others have been treated.

Commissioner Berry stated that he has made mistakes as a closing attorney and he had to pay the penalties for clients. He explained that Mr. Bernasek is not like the others in that he put forth a lot of effort to create this form to help alleviate this problem in the future.

Commissioner Sears withdrew her previous motion.

Vice-Chair Zell withdrew her second to that motion.

Commissioner Berry stated that he agrees the procedure was followed properly by staff but as a thank you for Mr. Bernasek's efforts he should receive a refund.

Commissioner Sears asked what the total refund is for Mr. Bernasek.

Adam Kabasakalian asked Mr. Bernasek if he had the amount of penalties and interest paid on his property. He then stated that the total refund according to Mr. Bernasek would be two hundred and eighty-nine dollars and sixteen cents (\$289.16).

Commissioner Sears made a motion, seconded by Vice-Chair Zell to approve the request by Victor Galan in the amount of two hundred and sixty-six dollars and five cents (4266.05) and Lee Bernasek in the amount of two hundred and eighty-nine and sixteen cents (\$289.16) for Request of Refund of Interest & Penalties paid on Ad Valorem Taxes for 2008 and the remainder of the requests be denied as recommended.

Commissioner Keene stated that he will be voting no in order to be consistent past requests that were denied for the same reasons.

Commissioner Berry agreed but stated that for his efforts he feels that the refund should be issued.

Chair Rainer asked what the reason for the Committee's denial was.

Adam Kabasakalian stated that the reasoning of the Committee is that not receiving a tax bill does not alleviate the penalties and interest.

Chair Rainer asked what the reason for not receiving the tax bill was.

Mr. Kabasakalian stated that the tax bill was mailed to the owner of record on January 1<sup>st</sup> and Mr. Bernasek purchased the property in August 2008.

**So voted:**

Chair Rainer - Yes

Vice-Chair Zell - Yes

Commissioner Keene - No

Commissioner Sears - Yes

Commissioner Berry - Yes

The motion carried 4-1.

## Reports

- Calendar - July/August

Diana Smith read the July/August calendars.

- County Administrator's Report

County Administrator Steve Howard reported the following:

- He thanked all the sponsors whom contributed to the Employee Awards Ceremony.
- He announced that to date the NACo Prescription Card Program has accrued \$30,000.00 in discounts to prescriptions.
- He announced that he attended the Awards Ceremony in Nashville, Tennessee to accept 4 awards from NACo on behalf of Camden County. He explained that Camden County was listed as one (1) of fourteen (14) in the book.
- He announced that a letter has been received for the resignation of a member to the Board of Assessors.

Chair Rainer stated that he commends all staff that participated in preparations for the Employee Awards Ceremony.

Vice-Chair Zell stated that the reception was wonderful and everything was donated.

### ADDITIONAL PUBLIC COMMENTS:

Winston Barlow

Mr. Barlow stated he would like to make a comment on the last item on the agenda. He stated that he agrees with Commissioner Keene regarding that item. He stated that he is in a business that he has to treat everyone the same. He stated that although what Mr. Bernasek did was of great value, giving him a refund opened up a can of worms. He stated that in his opinion the form could be adopted and he could have been compensated for his efforts without opening a can of worms.

### ADJOURNMENT:

Commissioner Sears made a motion, seconded by Chair Rainer, to adjourn the August 4, 2009 meeting. The vote was unanimous to adjourn the meeting at 7:00 PM.

Respectfully submitted,

*David L. Rainer*  
David L. Rainer, Chair

*Kathryn A. Bishop*  
Kathryn A. Bishop, Acting County Clerk