

**CAMDEN COUNTY BOARD OF COMMISSIONERS MEETING  
WEDNESDAY, SEPTEMBER 22, 2004 6:00 PM  
WOODBINE, GEORGIA**

**A regular meeting of the Camden County Board of Commissioners was held on Wednesday, September 22, 2004, at 6:00 p.m. in the Courtroom of the Historic Camden County Courthouse, Woodbine, Georgia.**

**Present: Chairman David L. Rainer; Vice-Chairman E.B. Herrin, Jr.; Commissioner Preston Rhodes; Commissioner Stephen L. Berry; Commissioner Sanford S. Feller; Charles Akridge and County Attorney Brent Green.**

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

**Commissioner Preston Rhodes delivered the invocation.**

**Chairman Rainer led the Pledge of Allegiance.**

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

**AGENDA AMENDMENTS:**

Chairman Rainer proposed adding the following amendments to the agenda:

Addition of 12N to add a facsimile machine onto the surplus property list  
Addition of 12O regarding the Handex lawsuit

Commissioner Feller made a motion, seconded by Vice-Chairman Herrin and voted unanimously to amend the agenda.

**The motion carried unanimously.**

**PUBLIC HEARING:**

**A. Designation of Pinewood Avenue as Pedestrian Only**

**OPPOSITION:**

Wallace Prince approached the Board and stated that he did not want Pinewood Avenue to be designated as pedestrian only. He felt that it had been a public road for 66 years and should stay as such. He felt that a traffic signal and/or a sign stating "one way traffic only" would be adequate. Vice-Chairman Herrin expressed that if it was made pedestrian only with a cul-de-sac at each end there is only one house on the street and there is no objection from that person. The cul-de-sac would be placed at the end of Parkwood

Avenue. Mr. Prince was asked if that would give emergency vehicles, postal vehicles and garbage trucks room to turn. Vice-Chairman Herrin stated that it would if it was put on Parkwood Ave. Mr. Prince stated that he is concerned about the garbage trucks tearing up the inner curves. He stated that this is a county maintenance issue and he wanted to know why catch basins could not be used.

Jack Sutton approached the Board and opposed the designation of Pinewood Avenue as pedestrian only. Mr. Sutton stated that he believes that state funds were used to pave Pinewood Avenue and he wanted the Board to ensure that state funds were not used and that approval was not necessary to change the designation of the road. To which Vice-Chairman Herrin stated that it was his belief that the county did all the work on Pinewood Avenue and that DOT would not have been involved as it is only 20 feet wide and does not have any ditches and would not have met DOT standards because of these facts.

Edmond Sandeford addressed the Board and stated that his mother had left him a vacant lot and a dock on Pinewood Avenue and that if it was designated as pedestrian only that he would not have access to this piece of property.

Ryan Prince addressed the Board and stated that for the record he wanted to state that he was opposed to the designation of Pinewood Avenue as pedestrian only.

#### PROPOSAL TO MAKE PINEWOOD AVENUE PEDESTRIAN ONLY:

Kathryn Zell, Richard Blount and Dr. Ann Proctor addressed the Board and handed out photographs of the roadway to the Board. Mrs. Zell stated that they would like to have the road designated as pedestrian only due to the fact that the bank of the river is unstable in this area. Mrs. Zell stated that one full block of houses has gone into the river. She stated that they use rip wrap to protect the bank but that it is a constant struggle and with each northeaster they worry about the erosion. There are two areas on Dr. Proctor's property that are unstable at this time even with all the rip wrap that has been hauled in. It is their opinion that because of the weight of vehicular traffic on Pinewood Avenue the area that is between the road and the river has sunken and is compressed. It is their opinion that the weight of the vehicular traffic has caused erosion problems. She stated that there is a lane that travels from Harriett's Bluff Road to Pinewood Avenue that would give access to Mr. Sandeford's property. Commissioner Berry asked how that road could be opened for Mr. Sandeford to approach his property but keep large vehicles off of that road. Mrs. Zell stated that it is a private lane and they would allow him the use of the lane. Attorney Brent Green stated that this lane is a 15 foot right-of-way that goes to this property. Mr. Sandeford's property is the only one located in this area. Mr. Sandeford stated that he worried that with it being a dirt road that there would be times that the lane would be inaccessible. Chairman Rainer asked if a weight limit sign could be put at Pinewood Avenue to restrict all vehicles except automobiles.

Chairman Rainer expressed his concerns about designating Pinewood Avenue as pedestrian only when Mr. Sandeford owns property that is accessible by a paved road and this would be denying him access to his property.

Dr. Ann Proctor stated that the weight of any vehicles is and would continue to damage the property on the river front.

This concluded the Public Hearing

**MOTION TO ADOPT THE AGENDA:**

Commissioner Rhodes made a motion, seconded by Vice-Chairman Feller and voted unanimously to adopt the agenda as amended.

**The motion carried unanimously.**

**APPROVAL OF MINUTES:**

Commissioner Rhodes made a motion to approve the minutes of September 7, 2004, Vice-Chairman Herrin seconded the motion and it was voted unanimously to approve the minutes of September 7, 2004.

**The motion carried unanimously.**

**REPORTS:**

**A. Calendar**

The September/October 2004 calendar was read.

**B. County Manager's Report**

County Manager Charles Akridge reminded everyone about the surplus sale that would be taking place on Saturday, September 25<sup>th</sup>. Mr. Akridge stated that registration would begin at 8:00 a.m. and the auction would take place from 9:00 a.m. – 12:00 p.m. at the S.R. 110 landfill.

Mr. Akridge reminded the elected officials that the Quality Growth Resource Team would be report their recommendations to the three cities and the county on September 23<sup>rd</sup> at 3:00 p.m. at Kingsland City Hall.

County Manager Charles Akridge stated that regarding the records retention building on the SPLOST Program, Harvey Amerson spoke to an individual contractor and that the county could bid the project out under budget.

Mr. Akridge acknowledged the citizens of Springhill Road. Mr. Akridge stated that he and Chairman Rainer went to the area and DOT is evaluating the road and that the residents of that area could expect improvements soon.

Mr. Akridge recognized Assistant Chief Mark Crews and asked him to give a GEMA/FEMA report on the current weather conditions. Assistant Chief Crews stated he had received reports from department heads from the county as well as the three cities to get the damage assessments from Hurricane Frances. Once compiling those assessments, they are then sent to GEMA. GEMA then takes the information and forwards it to FEMA. Once Camden County reaches a certain damage percentage for Camden County, a FEMA representative then comes in and looks over the reports and justifies the estimates. A FEMA representative came to Camden County and the numbers are: Kingsland \$48,000.00; St. Marys approximately \$352,000.00; Woodbine approximately \$3,700.00 and Camden County \$1,079,121.00 worth of damage that qualified. The next step is to wait for all the reports from Georgia and FEMA qualifies the claims, it will be decided by the President if there is an official declaration to receive FEMA funds. If there is a Presidential Declaration, FEMA will pick up 75% of the estimated costs.

Finally, County Manager Charles Akridge called upon Lannie Brant to update the Board on the amount of yard debris that has been collected due to the storm. Mr. Brant stated that approximately 10,000 – 12,000 yards of debris has been collected and that they are still working to pick up debris.

## **PUBLIC COMMENTS**

Clifton Brown approached the Board and expressed his concerns regarding the Springhill Road area. Mr. Brown stated that this area needs attention and that the drainage ditches are clogged. He also stated that the road is in poor condition and flooding on this road is a problem. Mr. Brown asked that the Board pave this road due to its poor condition.

Chairman Rainer stated that he agreed with Mr. Brown and that it is his goal to get it paved as soon as resources can be found. Chairman Rainer stated that he understand that the Springhill Road area needs attention.

Roosevelt Scott addressed the Board and stated that he has been a resident of Springhill Road all his life. He stated that Springhill Road has a flooding problem and that there is nowhere for the water to go because there are no ditches. He also stated that the road is in very poor condition.

Elveredge Lawrence addressed the Board regarding Springhill Road. Mr. Lawrence stated that there is no culvert on his property for drainage and that the road needs repaired. Mr. Lawrence stated that there are flooding problems on this road and that the road has been closed after storms.

Chairman Rainer stated that Springhill Road is on the list to be paved but there has to be things done before it can be paved because the area is so low through there. Chairman Rainer stated that he would give it his personal attention and go to the area with the road superintendent.

Commissioner Rhodes asked to have the residents of Springhill Road that were in attendance to list their names on a sheet of paper for the record.

This concluded the Public Comments.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

### **A. Durango Georgia Bankruptcy**

Attorney Brent Green stated that around November, 2002 Durango Bankruptcy was put into involuntary Chapter 7 and was later converted to a Chapter 11. The County had collected 2000 taxes in full on their property. They had collected 85% for 2001 and Durango went into Chapter 11 in November 2002. At that time Camden County had two civil procedures in Superior Court which were appeals by Durango on their assessment of tax. The bankruptcy stayed all that and this has now come under adversarial proceeding in the bankruptcy court. Attorney Green stated that Durango Paper Company of Georgia no longer exists and what we are talking about here will not go to Durango Paper Company of Georgia. He stated that who is involved now is a court appointed trustee and a committee of unsecured creditors. Mr. Green stated that they sought from the County in this adversarial lawsuit in the United States Bankruptcy Court of the Southern District of Georgia a refund of 2000 and 2001 property taxes the amount of \$1,856,713.42 to include any interest be it prejudgment and post judgment, attorneys fees and their cost of litigation. They also sued the City of St. Marys for a little under \$400,000.00. It was a total of 2.2 million dollars. Also challenged was the valuation of the property for the years of 2000 – 2004 saying our determinations were incorrect. Attorney Green stated that they entered into negotiations and they worked through the following deal which he recommended be approved to settle this. He stated that the debtor will not be entitled to any money refunded at all in taxes, the tax claims will be going into a Class 5 claim later so they can recycle this property and get it back on the market. It would then be assessed by the Tax Assessors Office. This will not cost the County any money, no money would be refunded. There are employee claims still out there for the Durango workers and a catastrophic illness fund that is being set up that the union has to provide and there are some pensions plans that would not normally be affected by this. Mr. Green recommended that the Board adopt this as the case has been evaluated and looking at the appraising system and according to the legal advisors there is a 75% chance that the Court could order the County to refund some, part or all of the \$1,856,713.42.

Commissioner Rhodes made a motion to adopt the Resolution approving the ratification of the stipulation of the settlement of the judgment for Durango Paper Company. Vice-Chairman Herrin seconded the motion based on the advise from the County Attorney.

The vote was unanimous to adopt the Resolution approving the ratification of the stipulation of the settlement of the judgment for Durango Paper Company.

**The motion carried unanimously.**

**B. Appointment of Emergency Management Agency Director**

Commissioner Feller made a motion, seconded by Vice-Chairman Herrin. The vote was unanimous to nominate Mark Crews as EMA Director and Dan Lewis as EMA Assistant Director

**The motion carried unanimously.**

**C. Adoption of School Board Millage Rate of 14.578 for Maintenance & Operations**

Commissioner Rhodes made a motion, seconded by Chairman Rainer.

Commissioner Berry stated that he and Chairman Rainer met with the School Board and stated that he was opposed to the School Board not rolling back their millage rate. Commissioner Berry said that the School Board made a very convincing argument that there is a rule that the Federal Government says if you want to keep federal money, and in this case the school system gets 3.5 million dollars of federal money, you have to keep the millage rate within 95% of the average millage rate of the whole state. The 95% number for the state is around 14.1. So, if the School Board lowered their millage rate below 14.1 they would lose 3.5 million dollars. If the School Board lowered their millage rate to 14.1 this year and the 95% average went up next year, they would then have to raise the millage rate next year to keep the federal funds.

The vote was unanimous to adopt the school board millage rate of 14.578 for Maintenance and Operations.

**The motion carried unanimously.**

**D. Consideration to Designate Pinewood Avenue as Pedestrian Only**

Vice-Chairman Herrin made a motion to table this issue until the next Board of Commissioners Meeting on October 5, 2004, seconded by Commissioner Rhodes. The vote was unanimous to tale the consideration to designate Pinewood Avenue as Pedestrian Only until the Board of Commissioners Meeting on October 5, 2004.

**The motion carried unanimously.**

**E. Dixie Richardson – A rezoning from Agriculture-Forestry (A-F) to Planned Development (PD) of 101.16 acres located south of The Little**

- Satilla River between Dover Bluff Road and U.S. Highway 17. The property is identified as parcel 8, 9, and 10 on zoning/tax map 110.
- F. **Caney Creek Development #R-021-04 – A rezoning from Agriculture-Forestry (A-F) to Residential (R-2) of 2.6 acres located on Bullhead Bluff Road. The property is identified as parcel 22 on zoning/tax map 30A.**
  - G. **Todd Peters #R-022-04 – A rezoning from Agriculture-Residential (A-R) to Commercial General (C-G) of 2.85 acres located on Highway 17 just north of the Kingsland City Limits. The property is identified as parcel 2, block 2 on zoning/tax map 83-C.**
  - H. **Retha Williams #R-023-04 – A rezoning from Agriculture-Forestry (A-F) and Residential-2 (R-2) to Agriculture-Residential (A-R) of 2.38 acres located at 3120 Burnt Fort Road. The property is identified as parcels 18 and 19 on zoning/tax map 50-A.**
  - I. **C.K. & P.H. Murray – Final plat approval for Oak Grove Acres – Phase II. Thirty-seven (37) lots on 123.2 acres located on Highway 259. The property is identified as parcel 3 on zoning/tax map 3.**
  - J. **Gene Hollingsworth – Final plat approval for Holly Haven – Phase II. Twenty-nine (29) lots in the A-R zoning district. The property is a portion of parcel 5 on zoning/tax map 69.**
  - K. **Privett-Bennett & Assoc., Inc. – Final plat approval for Davis Bluff Estates. Twenty-Two (22) lots in the R-1 zoning district at Mush Bluff. The property is identified as parcel 52 A on zoning/tax map 132A.**
  - L. **Privett-Bennett & Assoc., Inc. – Final plat approval for River Walk Subdivision – Phase I, fourteen (14) lots in the R-1 zoning district. The property is located on Charlie Smith Sr. Highway and is identified as 2A and 13 on zoning/tax map 132.**
  - M. **Mallory Home – Final plat approval for Wildwood Country Estates. Fifty-nine (59) lots in the A-R zoning district. The property is located on the Old Jefferson Highway near Scarlet and is identified as a portion of parcel 21 on zoning/tax map 53.**

Commissioner Feller made a motion, seconded by Commissioner Rhodes. The vote was unanimous to approve agenda items 12E – 12M. The vote was unanimous to approve agenda items 12E – 12M.

**The motion carried unanimously.**

- N. **Approval to Add a Facsimile Machine and Four Multi-Console Monitors to the Surplus Auction**

Commissioner Rhodes made a motion, seconded by Vice-Chairman Herrin. The vote was unanimous to approve the surplus of the facsimile machine and four multi-console monitors to the surplus auction.

**The motion carried unanimously.**

**O. Handex Lawsuit**

Attorney Brent Green stated that there was a civil action in Superior Court filed by Handex, Inc., who built our landfill. Attorney Green asked for permission to counter-sue Handex for an amount that they would owe us for approximately \$74,000.00 plus costs.

Commissioner Rhodes made a motion to allow the County Attorney to enter into a counter-suit against Handex, Inc., seconded by Vice-Chairman Herrin. The vote was unanimous to allow the County Attorney to enter into a counter-suit against Handex, Inc..

**The motion carried unanimously.**

**ADJOURNMENT:**

Motion made by Commissioner Feller, seconded by Commissioner Rhodes. The vote was unanimous to adjourn the meeting at 8:10 p.m.

Respectfully submitted,

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David L. Rainer  
Chairman

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Diana Smith  
Executive Assistant/Clerk