

**CAMDEN COUNTY BOARD OF COMMISSIONERS MEETING
TUESDAY, JULY 19, 2005 6:00 PM
WOODBINE, GEORGIA**

A regular meeting of the Camden County Board of Commissioners was held on Tuesday, July 19, 2005, 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; and County Attorney Brent Green.

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

Commissioner Rhodes delivered the invocation.

Chairman Rainer led the Pledge of Allegiance.

The roll call indicated all Commissioners were present.

AGENDA AMENDMENTS:

Chairman Rainer proposed the following agenda amendments:

- Add Item 13N. Consideration of making emergency repairs to Village Drive due to serious drainage issues which are affecting county maintained roadways;
- Add Item 13O. Consideration of donation by Bluff Properties of backfill materials to the Camden County Board of Commissioners;
- Add Item 13P. Consideration of six month (6) agreement with JDA to oversee the Planning & Building Department at a cost of \$1,000.00 per month;

Commissioner Rhodes made a motion, seconded by Vice-Chairman Herrin to make the changes proposed by Chairman Rainer to the agenda.

The motion carried unanimously.

MOTION TO ADOPT THE AGENDA:

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

The motion carried unanimously.

WORK SESSION:

➤ Discussion on Contract for Housing Municipal Prisoners in County Jail

Chairman Rainer stated that regarding this issue, there has been a lot of discussion, misinformation and other issues in an attempt to derail the real issue. He stated that the real issue is to offset the costs being paid by the county for the overcrowding at the county jail. Chairman Rainer then gave St. Marys and Kingsland an opportunity to express to the commissioners what type of solution they feel would work if it is not to charge the cities.

Mayor Deborah Hase addressed the Board and stated that the City of St. Marys and Camden County have had a very good working relationship. She stated that in reference to the jail contract she hoped that this matter could be worked on together. Mayor Hase stated that she believed that bad information was received by the commissioners regarding the St. Marys city court and the number of prisoners being held at the jail. She stated that because of this, she believes that the contract would be a moot point since the decision to enter into a contract was based on erroneous information. She requested that the matter be voted down or come up with something totally different that what is proposed. She stated that St. Marys pays the largest portion of the county tax digest and most other tax revenues including supporting the county jail. She stated that she feels that the county and cities along with the Sheriff's Office should have a work session to discuss this matter prior to any action. Mayor Hase asked the commissioners to reconsider this contract.

City Manager Bill Shanahan spoke to the Board and stated that in the current year of 2005 there were a total 8,618 days with prisoners in jail. Out of that number 6,869 were not from city prisoners. St. Marys had 889 prisoner days and Kingsland had 923 prisoner days. During 2004 of the 5,876 days that municipal prisoners were in jail. In 2003 in September and December the cost was \$5,120.00 to transport prisoners and in 2004 the cost was \$17,604.00 and up through June of 2005, the cost has been \$28,147.00. The medication costs from January through June of 2005 has been \$8,345.65 and off duty security from February through April 2005 was \$1,440.00. Mr. Shanahan asked for the Board to allow the cities to sit down with the county to discuss a solution to the county jail contract.

Mayor Smith addressed the Board and stated that they have a few concerns about the jail contract. He stated that their biggest concern is the figures that have been presented. He stated that Kingsland arrested and incarcerated 2,175 individuals. He stated that he looked at another city similar to Kingsland and found that there is a \$43.00 per day charge to individuals under a city ordinance and if there is a state charge then the city pays only the first day of incarceration. He stated that the county does have the right to set these charges but hopes that state charges are charged to the state and that they can work together on this contract. He wanted to make certain that if a Kingsland officer arrested a person wanted in another city or county that the City of Kingsland is not

charged for the incarceration of this prisoner. He stated that he would like to sit down and talk about the contract.

Chairman Rainer addressed the audience and opened the floor up to any citizen who wants to address the Board regarding the Jail Contract issue only.

Gunther Rush addressed the Board and stated that he lives in St. Marys. He stated that his concern is that in looking at his tax bill his city taxes were \$782.00 for which he received protection from the fire department, police department, a public library and other benefits. He stated that his county taxes were \$2,422.00. Of that amount, \$1,316 was for school and state taxes leaving \$1,106.00 in county taxes. He asked what he was receiving for this money. He stated that he knows that part of that money goes toward funding the sheriff's department, including the jail. He stated that if the City of St. Marys is going to be assessed again that it amounts to double taxation because there is no other option than to pass the cost onto the citizens. He asked why St. Marys and Kingsland were being singled out but not the City of Woodbine.

Chairman Rainer stated that the reason that the City of Woodbine is not included in this is because they do not have a municipal court where both the City of St. Marys and the City of Kingsland do have municipal courts.

Commissioner Berry stated that the municipal courts raise hundreds of thousands of dollars each year that goes into the coffers that helps to offset the taxes. He also stated that the cost would not be passed on to the taxpayers, it could simply be passed on to the offenders in the court by raising the fines to pay for the additional charges.

➤ **Discussion of At Will Employment**

Vice-Chairman Herring stated that he brought this forward on the work session due to problems in the past. He stated that an employee owes the county a decent days work for a decent days pay and all the benefits that go along with it. He stated that the at will employment would fix problems with employees who are not doing their job in accordance to what is expected of their position. Mr. Herrin stated that an employee who is doing their job and doing it efficiently does not have to worry about being fired. He then asked for input from other commissioners.

Commissioner Berry stated that 99% of the employees in this state serve at will. It is much easier and the county spends a lot of money on appeals and lawyers going through the current process. He stated that is an employee does their job and does it right they would not have a problem.

Chairman Rainer stated that he supports the at will policy. He stated that he was surprised when becoming a commissioner that it was not at will employment. He stated that he believes it should be seriously considered.

Commissioner Rhodes stated that he agrees that it should be considered and if the employee is doing their job that they need not be concerned.

Commissioner Feller stated that it seems that if you behave yourself you stay and if you do not you are gone and that holds fear over employees.

➤ **Discussion of positions of County Manager and Planning Director**

Commissioner Feller stated that he believes that in terms of public image that not having a search team actively looking for replacements in these positions does not show good faith. He stated that he believes it is bad practice to not be actively looking for these positions. He stated that he believes these should be two positions, not one position. He stated that the level of planning and building activity is so great at this time there is no manager that can do both jobs effectively. Commissioner Feller suggested that Frank Etheridge be allowed to oversee the planning department for six months rather than the JDA overseeing the department.

Commissioner Berry stated that this matter is on the agenda for this meeting.

➤ **Brief Discussion on Board of Equalization**

Commissioner Feller stated that the county has been without a Board of Equalization (BOE) and stated that the Chairman has known about it.

Commissioner Berry stated that the BOE is appointed by the Grand Jury of this county and the commissioners are not involved in the process at all.

Chairman Rainer stated that he could know about this and he could not do anything about it.

Commissioner Feller stated that citizens are being denied their ability to appeal their assessments of the county. He stated that the BOE is a requirement of the state. He stated that Chairman Rainer should call the district attorney if things are not being operating properly and move the process forward. He stated that the Board of Assessors work is being impeded and tax collections are being impeded by the fact that a BOE is not in place. He stated that when a BOE is not in place, every appeal that has gone to the Board of Assessors and been sent to the BOE stands stagnant and the tax payer continues to pay 85% of the new assessment and the tax commissioner when it is settled levies interest charges on what is due after the matter is resolved. He stated that the Chairman is charged with the responsibility of contacting the District Attorney to get it resolved. He stated that the reason he heard about it is because some of the Board of Assessors were complaining about it.

Chairman Rainer stated that it is ludicrous that he has any responsibility in the selection of the BOE. He stated that the law specifically states that he must stay out of it and that it is a grand jury situation. He stated that the former grand jury foreman spoke to him and

stated that they are working on it. He stated that much of Commissioner Feller's information is flawed. He asked Mr. Feller where it states that the Chairman is responsible for taking care of BOE matters. He stated it is the responsibility of the grand jury to make the appointments to the BOE and the commissioners have no involvement whatsoever unless asked. He stated that it is his understanding that there is a sitting BOE. He stated that he understands that three members exist and a fourth has been named by the grand jury to go to school. He also asked Mr. Feller why he believes that he has known about this situation for seven months.

Commissioner Feller stated that on a day to day basis the commissioner has nothing to do with the BOE or Board of Assessors, but that if the Chairman sees anything in government that is not functioning properly it is their responsibility to initiate action to bring it in line. He stated that Chairman Rainer should have spoken to the District Attorney who is over the grand jury and who administers the grand jury then he would have moved this subject forward instead of languishing for seven months until he (Commissioner Feller) began making comments about it.

Attorney Brent Green indicated to the commission that the grand jury meets two terms April – November and November – April. He stated that during the April-November term of last year the grand jury ran a newspaper ad trying to find replacements for the BOE but was unable to do so. They were looking for people to come forward and apply to be on the BOE and some of the people who said they would, decided not to do so after finding out that they have to go to a mandatory 40 hour program before they can sit on the BOE. The grand jury was unable to find anyone to serve. He stated that Mr. Buchanan and two other members terms expired on December 31, 2004. He stated that the new grand jury came on in November and the April term they could not get anyone to serve and it was brought to their attention. Mr. Green met with Doug Miles, the chief of appraiser for the Board of Assessors a few weeks prior to this meeting and it was brought to his attention at that time. Mr. Green then spoke to George Turner at the District Attorney's office. The District Attorney is a legal advisor to the grand jury, but they are not over it. They then met with the foreperson of the grand jury that provided three names of previous members who wanted to reserve and the grand jury reappointed those members and Mr. James who now fulfills the 40 hour course. The grand jury had not yet contacted these people to his knowledge, but the Clerk of the Court will need to contact these three previous members and Mr. James to be sworn in.

PRESENTATIONS:

Zoe Hardenbrook – 5311 Rural Public Transportation Program. Consideration of Authorizing Resolution.

Ms. Hardenbrook stated she is with the Georgia Department of Transportation. She stated that Coastal Georgia Transportation, Inc. is off to a very good start. They have been in operation for a little less than a year and from January – May they have done 4,345 one-way passenger trips. One of the things that will probably be done is to reduce the fare box from 20% to 10%, which would give the county a break if the public fare

box is not met by public ridership. They have also purchased service contracts, finding industry, karate schools or anyone that needs transportation that is willing to enter into a contract. The next contract with the county will be an 18 month contract to change to a fiscal year contract. Camden County has provided funds for insurance purposes and Coastal Georgia Transportation has relied on fundraisers for other funding. Ms. Hardenbrook asked the county to consider putting additional funds into the transportation system during the next contract year. Many citizens of Camden County are benefiting from this service. This service is available to anyone in need of transportation within the county.

Commissioner Rhodes made a motion, seconded by Vice-Chairman Herrin to adopt the Resolution to approve the application for the 18 month contract.

The vote was unanimous to adopt the Resolution to approve the application for the 18 month contract.

APPROVAL OF MINUTES:

Commissioner Rhodes made a motion, seconded by Vice-Chairman Herrin to approve the regular meeting minutes of June 21, 2005 and the Special Called Meeting of June 28, 2005.

So Voted:

Chairman Rainer – yea

Vice-Chairman Herrin – yea

Commissioner Rhodes – yea

Commissioner Berry – yea

Commissioner Feller – abstained

REPORTS:

A. Calendar

The July/August 2005 calendar was read.

B. County Manager's Report:

There was no information necessary for this report.

PUBLIC COMMENTS:

Ruben Gomez

Mr. Gomez asked why and how is the money for the Joint Development Authority (JDA) going to be spent. He stated that he believes the JDA is above accountability and should be abolished.

Ed McCoy

Mr. McCoy stated that he was on the Board of Equalization until November but had not heard from anyone that he had been reappointed.

Walt Natzik

Mr. Natzik stated that he believes that At-Will Employment is a risk and that the county should look at other options including performance based concepts with goals and objectives to be met by the employees.

Mary Palloso

Ms. Mary stated she is opposed to the additional \$45.00 a day for the housing of municipal prisoners. She stated that if the municipal courts are generated money they are already contributing the major portion of the tax digest and should not have to pay additional monies.

Gunther Rush

Mr. Rush asked Mr. Feller why he stated at the St. Marys Council Meeting that the residents in St. Marys who live east of the railroad tracks are in for a rude awakening regarding their taxes.

Jeremy Pittman

Mr. Pittman stated that it is beginning to be a financial burden on Coastal Georgia Transportation financially due to high gas prices and paying mileage on the leases. He stated that they may need to ask the county for more financial support in the future.

Denise Taylor

Ms. Taylor stated that the JDA is not in compliance as they serve six year terms and not four year terms. She also asked if Express Scripts had paid the county the money it was owed on July 1st.

It was determined later in the meeting that Express Scripts had paid the county in May of 2005.

Lawton Teston

Mr. Teston stated that he felt that the county and cities could work out the jail issues and that he feels that the jobs of County Manager and Planning Director should be held by two people. He also asked the Board to look at other options other than at-will employment before acting.

THIS CONCLUDED PUBLIC COMMENTS

Chairman Rainer declared a short recess from 7:14 p.m. – 7:26 p.m.

OLD BUSINESS

A. Consideration to enter Into an Intergovernmental Agreement with the Joint Development Authority.

Commissioner Rhodes made a motion, seconded by Vice-Chairman Herrin to enter into the Intergovernmental Agreement with the Joint Development Authority.

So Voted:

Chairman Rainer – yea

Vice-Chairman Herrin – yea

Commissioner Rhodes – yea

Commissioner Berry – yea

Commissioner Feller – nay

NEW BUSINESS

A. Discussion and Consideration of Contract for Housing Municipal Prisoners in County Jail

Commissioner Rhodes made a motion, seconded by Vice-Chairman Herrin to table consideration of the contract for housing municipal prisoners in the county jail until August 2, 2005 and Chairman Rainer and Commissioner Berry would meet with each municipality and the Sheriff's Office regarding the contract.

The vote was unanimous to table the decision regarding a contract to house municipal prisoners in the county jail until August 2, 2005.

B. Approval of modification of lease between Gwendolyn Edenfield and Camden County Board of Commissioners regarding maintenance issues.

Vice-Chairman Herrin made a motion, seconded by Commissioner Rhodes to modify the leave between Gwendolyn Edenfield and the Camden County Board of Commissioners regarding maintenance issues.

The vote was unanimous to modify the lease between Gwendolyn Edenfield and the Camden County Board of Commissioners.

C. Consideration of Approval to condemn all lever voter machines in the possession of Camden County.

Vice-Chairman Herrin made a motion, seconded by Commissioner Rhodes to condemn all lever voter machines in the possession of Camden County.

The vote was unanimous to condemn all lever voter machines in the possession of Camden County.

D. Appointments of candidates for the Coastal Area District Development Authority.

Commissioner Rhodes made a motion, seconded by Vice-Chairman Herrin to nominate Craig Root, Steve Berry and Sanford Feller as candidates for the Coastal Area District Development Authority with Mr. Root being the preferred candidate.

The vote was unanimous to nominate Craig Root, Steve Berry and Sanford Feller as candidates for the Coastal Area District Development Authority.

E. Consideration of advertising for County Manager/Planning position.

Commissioner Rhodes made a motion, seconded by Chairman Rainer to advertise for the County Manager position.

The vote was unanimous to advertise for the County Manager position.

F. Consideration of Request of Camden Children's Alliance & Resources, Inc. (CCAR)

Commissioner Feller made a motion, seconded by Commissioner Rhodes to designate Camden Children's Alliance & Resources, Inc. as the authorized agency for children, youth and families.

The vote was unanimous to designate Camden Children's Alliance & Resources, Inc. as the authorized agency for children, youth and families.

G. Consideration of Recommendation of Planning Commission to Consider Revising the Subdivision Ordinance to be Advertised.

Commissioner Rhodes made a motion, seconded by Chairman Rainer to table this issue until further information is received from the Planning & Building Department.

So Voted:

Chairman Rainer – yea

Vice-Chairman Herrin – yea

Commissioner Rhodes – yea

Commissioner Berry – nay

Commissioner Feller – yea

- H. Consideration of request by Rodney F. Pierce (#SU-004-05) for a Special Use Permit for the Outdoor Sale of Used Cars. This property is located on Highway 17 and is identified as parcel 37 on zoning/tax map 95.**
- I. Consideration of Request by Harvey L. Fry (#R-019-05) for a rezoning from A-F (Agriculture-Forestry) to A-R (Agriculture-Residential) of 10 acres located in Annandale Subdivision. The property is identified as parcels 5-F and 5-K on zoning/tax map 24.**
- K. Consideration of Request by James A. Lee (#R-020-05) for rezoning from A-R (Agriculture-Residential) to R-1 (Residential-1) of 1 acre located on Escott Road. The property is identified as parcel 27 on zoning/tax map 83H.**
- L. Consideration of Request by Caney Creek Development (#R-022-05) for rezoning from R-2 (Residential-2) to A-R (Agriculture-Residential) of 43 acres located in the Bullhead Bluff area. The property is identified as parcel 7A on zoning/tax map 30.**
- M. Consideration of Request by Settler's Bluff for final plat approval for 3 lots in the R-2 zoning district on Bullhead Bluff Road. The property is identified as parcels 33, 1, and 2 on zoning/tax map 30-13.**

Commissioner Rhodes made a motion, seconded by Vice-Chairman Herrin to approve New Business Items 13 H, I, K, L, and M.

The vote was unanimous to approve Items 13 H, I, K, L, and M under New Business.

- J. Consideration of Request by Gary Purvis (#R-020-05) for rezoning from A-R (Agriculture-Residential) to R-1 (Residential-1) of 1.18 acres located on Alva Brazell Road South. The property is identified as a portion of parcel 23 on zoning/tax map 108A.**

Chairman Rainer made a motion, seconded by Vice-Chairman Herrin to approve the request by Gary Purvis for rezoning of 1.18 acres on Alva Brazell Road South from A-R to R-1.

The motion was unanimous to approve the request by Gary Purvis for rezoning of 1.18 acres on Alva Brazell Road South from A-R to R-1.

- N. Consideration of making emergency repairs to Village Drive due to serious drainage issues which are affecting county maintained roadways.**

Vice-Chairman Herrin made a motion, seconded by Commissioner Rhodes to allow emergency repairs to be made to Village Drive due to serious drainage issues.

The vote was unanimous to allow emergency repairs to Village Drive due to serious drainage issues.

O. Consideration of Donation by Bluff Properties of backfill materials to the Camden County Board of Commissioners

Commissioner Rhodes made a motion, seconded by Vice-Chairman Herrin to accept the donation by Bluff Properties of backfill materials.

The vote was unanimous to accept the donation by Bluff Properties of backfill materials.

P. Consideration of six (6) month agreement with the JDA to oversee the Planning & Building Department at a cost of \$1,000.00 per month.

Chairman Rainer made a motion, seconded by Commissioner Rhodes to implement a six (6) month agreement with the JDA to oversee the Planning & Building Department at a cost of \$1,000.00 per month.

ADJOURNMENT:

Motion made by Commissioner Rhodes, seconded by Chairman Rainer to adjourn the July 21, 2005 meeting. The vote was unanimous to adjourn the meeting 8:17 p.m.

Respectfully submitted,

David L. Rainer, Chairman

Diana Smith, Executive Assistant/Clerk