

**CAMDEN COUNTY BOARD OF COMMISSIONERS MEETING  
TUESDAY, JANUARY 2, 2007 - 6:00 PM  
COUNTY ANNEX  
KINGSLAND, GEORGIA**

**A regular meeting of the Camden County Board of Commissioners was held on Tuesday, January 2, 2007 at the County Annex in Kingsland, Georgia.**

**Present: Chairman David L. Rainer; Commissioner Preston Rhodes; Commissioner Katherine Nisi-Zell; Commissioner Charlene Sears; Commissioner Stephen L. Berry; 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 that all Commissioners were present.**

**SWEARING IN CEREMONY:**

Judge Gillette performed the swearing in ceremony for Commissioner Katherine Nisi-Zell and Commissioner Charlene Sears.

**ELECTION:**

**A. Chairman**

Chairman Rainer nominated Commissioner Rhodes to assume the position of Chair. Commissioner Berry nominated Commissioner Zell to assume the position of Chair.

**So Voted for Preston Rhodes for Chair:**

**Commissioner Rainer  
Commissioner Rhodes  
Commissioner Sears**

**So Voted for Commissioner Zell for Chair:**

**Commissioner Berry  
Commissioner Zell**

**Commissioner Rhodes assumed the duty as Chair by majority vote.**

**B. Vice-Chairman**

Commissioner Sears nominated Commissioner Zell to assume the position of Vice-Chair, respectively for the year 2007.

**The motion carried unanimously.**

**APPOINTMENT OF COUNTY ATTORNEY**

Commissioner Rainer made a motion, seconded by Vice-Chair Zell and voted on unanimously to re-appointment O. Brent Green as the County Attorney.

**WORK SESSION – CONSTRUCTION OF NEW JAIL:**

Commissioner Berry stated that he would like to consider abandoning the New Jail Project and allocate one (1) to two (2) million dollars for repairs to the existing facility. He explained that he would like an estimate from the Sheriff's Department on what it would cost for repairs to the existing jail for the upcoming SPLOST. He stated that he believes that the Sheriff's Department can get by with 122 cells if they come up with a plan to manage these cells more effectively and down the road look into building a new jail when it is in greater need.

Commissioner Sears stated that there is nothing the Sheriff's Department can do to speed up the court process.

Commissioner Berry stated that he is aware that bonds are frequently denied by the courts on a repeat basis. He stated that his concern was with the inmates in for six (6) months or more sentences.

Commissioner Rainer explained that sooner or later they will have to look at a solution for the Sheriff's Department to expand into a new facility and he stated that he thought that it was up to the people to decide whether the new jail is constructed or not. He explained that time and effort had been put into this project from many parties and the decision needs to be either fulfilled or abandon the whole project at this point.

Chairman Rhodes asked what the time line was for SPLOST and he asked what would need to be done by the deadline for SPLOST.

Brent Green stated they will be notifying the Department of Justice that their will be an election held in March and the Department of Justice has sixty (60) days under the *Voting Rights Act* to approve or disapprove the election. He stated that if they do not respond then the election is approved.

Commissioner Berry stated that there is ten million dollars (\$10,000,000) allocated from SPLOST for the new jail and there is a chance that it will be denied due to the money being spent in this manner.

Captain Walker stated that he does not believe abandoning the project is the answer.

Commissioner Berry stated that the project should be put on hold and revisited during SPLOST VII.

Commissioner Rainer asked if it would be too late to put this decision off until the January 16, 2007 meeting.

Brent Green stated that there was only one (1) day to notify the Department of Justice of the election that is to be held March 19, 2007.

Commissioner Berry suggested that they hold a Special Called Meeting to further discuss these issues.

Chairman Rhodes stated that a Special Called Meeting would be held on January 9, 2007 and the cities would be invited to share input.

#### **WORK SESSION - AT WILL:**

Penny Woodard stated that she has received many questions regarding the At will policy. She would like to clarify the policy of October 4, 2005 which states that any employee can be terminated at any time. She explained that in the past there was an appeal process that was eliminated by the Board of Commissioners. She stated that during this process the position will stay vacant until the appeal is complete and this could take anywhere from thirty (30) to forty-five days (45) days. She explained that a Department Head, Human Resources nor the Board of Commissioners are allowed to terminate someone for no apparent reason. She stated that upon each new hire they are given a handbook which states the reasons for termination and rules of conduct that must be abided by.

Commissioner Berry stated that he asked Mrs. Woodard to speak on this matter tonight and he recommended that the appeal process be reinstated so that the perception that an employee can be terminated for any reason can subside. He asked that this issue be put on the next agenda under work session for further discussion.

## **AGENDA AMENDMENTS:**

Chairman Rainer recommended the following agenda amendments:

Addition of the following items under New Business:

- E. Consideration of Commissioner Nisi-Zell Reappointment of Michael Bowick to the Planning Commission.
  
- P. Consideration of Removal of Two (2) 1995 Ford F-150 Pick Up Trucks from Surplus.

Addition of the following items under Executive Session - Litigation

Removal of the following item under New Business:

- K. Consideration of Bids for Rewriting of Zoning Ordinances and Fee Schedule.

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

**The vote was unanimous to approve the agenda amendments.**

## **MOTION TO ADOPT THE AGENDA:**

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

**The motion carried unanimously.**

## **APPROVAL OF MINUTES:**

Vice-Chair Zell asked that the minutes correct the spelling of Jack Smidt who is the nominee to take Commissioners Berry's place on the jail committee.

Commissioner Sears made a motion, seconded by Vice-Chair Zell to approve the amended meeting minutes of December 12, 2006 as amended.

**The vote was unanimous to approve the amended minutes of December 12, 2006.**

## **PRESENTATIONS:**

Chief Dennis Gailey stated that the county along with the cities of Kingsland and St. Marys raised contributions in the amount of six thousand dollars (\$6,000) this year to support the Muscular Dystrophy Association. He stated that Camden County Fire Rescue has received the Hook and Ladder Award due to this contribution on behalf of the Muscular Dystrophy Association. Chief Gailey presented the award to Lieutenant Chris Goebel.

## **REPORTS:**

### **A. Calendar**

The January/February calendar was read.

### **B. County Manager's Report:**

## **PUBLIC COMMENTS:**

Diane McCoy

Ms. McCoy asked who recommended the new jail be built.

Captain Walker stated that the Georgia Sheriff's Association recommended a facility with the capacity to house 300 prisoners.

Ms. McCoy stated that in her opinion SPLOST was supported by the Mayors because they had no choice and she asked if Commissioner Sears would be voting on the new jail.

Commissioner Sears stated that she would be voting and that she had nothing to benefit financially due to her decision.

Ms. McCoy stated that Commissioner Sears does have land in an unincorporated area in her district.

Ken Taylor

Mr. Taylor stated that he had come before the Board previously asking for a Board of Elections to be formed and has received a letter from the Probate Court that stated for him to direct his questions and needs to the State Ethics Commission. He stated that he believes this letter is a tactic to keep blacks from running for elected offices. He asked the Board of Commissioners to place this issue on the upcoming agenda for discussion.

Kevin Bilflower

Mr. Bilflower, of Stafford Equipment, stated that he was one of the low bidders for an excavator for the Road Department.

Chairman Rhodes explained that this was not the time for Mr. Bilflower to speak on this issue.

## **OLD BUSINESS**

**None.**

## **NEW BUSINESS**

### **A. Consideration of Advertising for County Manager presented by Commissioner Sears and Commissioner Zell.**

Commissioner Sears made a motion, seconded by Vice-Chair Zell to advertise for a County Manager.

**The motion carried unanimously.**

### **B. Consideration of Appointment of Interim-County Manager and Removal of Chairman's Temporary Authority presented by Commissioner Berry.**

Commissioner Berry made a motion, seconded by Commissioner Rainer to approve the Appointment of Penny Woodard as Interim-County Manager and remove the Chairman's Temporary Authority.

**The motion carried unanimously.**

### **C. Consideration of Additional Public Comments presented by Commissioner Sears.**

Commissioner Sears made a motion seconded by Vice-Chair Zell to approve an additional public comments section to be added prior to the adjournment of the meeting.

**The motion carried unanimously.**

**D. Consideration of Commissioner's Retreat presented by Commissioner Sears.**

Commissioner Sears made a motion, seconded by Vice-Chair Zell to schedule a Commissioner's Retreat to discuss their goals and objectives with department heads on February 3, 2007 at the County Annex from 9:00am to 2:00pm.

**The motion carried unanimously.**

**E. Consideration of Appointment of John C. Toshach to the Planning Commission by Commissioner Charlene Sears**

Commissioner Sears made a motion, seconded by Commissioner Berry to appoint John C. Toshach to the Planning Commission.

**Consideration of Re-Appointment of Michael Bowick to the Planning Commission by Vice-Chair Nisi Zell.**

Vice-Chair Zell made a motion, seconded by Commissioner Rainer to re-appoint Michael Bowick to the Planning Commission.

**F. Consideration of Acceptance of Drainage Easement from Patrick Deason, DBA: Green Anvil of Island View Lane and James A. and Robin Williams to improve the drainage problems at the intersection of Field Creek Circle, Hickory Bluff Road and Island View Lane.**

Chairman Rhodes made a motion, seconded by Vice-Chair Zell to approve the Drainage Easement from Patrick Deason, DBA: Green Anvil of Island View Lane and James A. and Robin Williams to improve the drainage problems at the intersection of Field Creek Circle, Hickory Bluff Road and Island View Lane.

**The motion carried unanimously.**

**G. Consideration of Bid for Track Type Excavator for the Road Department.**

Commissioner Sears made a motion, seconded by Vice-Chair Zell to approve the bid by Industrial Tractor for the track type excavator for the Road Department.

**The motion carried unanimously.**

**H. Consideration of Approval of Surplus Items.**

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to approve the Surplus items.

**The motion carried unanimously.**

**I. Consideration of Approval of Tax Release Applications.**

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to approve the following Tax Release Applications:

- Jack L. & James E. Gross, Digest Year 2003, Bill No. 7389, \$266.46
- Jack L. & James E. Gross, Digest Year 2004, Bill No. 7755, \$236.23
- Jack L. & James E. Gross, Digest Year 2005, Bill No. 8476, \$240.65
- Jack L. & James E. Gross, Digest Year 2006, Bill No. 8902, \$246.69
- Charles P. Sapp, Digest Year 2006, Bill No. \$1,620.00

**The motion carried unanimously.**

**J. Consideration of a Clarification of a prior zoning for Jack L. Gross, Karl R. Owens, Karen M. Owens, James Edmund Gross and Sidney L. Gross, Jr. for 2.13 acres to be Clarified as zoned Commercial Interchange (C-I) on Tax Map 108-029A.**

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to approve the Clarification of a prior zoning for Jack L. Gross, Karl R. Owens, Karen M. Owens, James Edmund Gross and Sidney L. Gross, Jr. for 2.13 acres to be Clarified as zoned Commercial Interchange (C-I) on Tax Map 108-029A.

**The motion carried unanimously.**



- K. Consideration of Bids for Rewriting of Zoning Ordinances and Fee Schedule.**

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

- L. First Reading of Ordinance to Amend Appendix A, Article Three, Subdivision Regulations, Design Standards, Section 302, Streets of the Official Code for Camden County, Georgia.**
- M. First Reading of Ordinance to Amend Appendix B, Zoning Ordinance, Article Five, Intent of Land Use District Regulations of the Official Code for Camden County, Georgia.**
- N. First Reading of Ordinance to Amend Appendix B, Zoning Ordinance, Article Six, Section 601. Accessory Uses and Structures of the Official Code for Camden County, Georgia.**
- O. First Reading of Ordinance to Amend Appendix A, Subdivision Regulations, Article Two Definition of Terms, Section 202 Item (9) of the Official Code for Camden County, Georgia.**

Commissioner Berry made a motion, seconded by Commissioner Rainer to approve and waive the first reading of the above mentioned items L through O.

**The motion carried unanimously.**

- P. Consideration of Removal of Two (2) 1995 Ford F-150 Pick Up Trucks from Surplus.**

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to approve the removal of the two (2) 1995 Ford F-150 Pick Up trucks from surplus.

**The motion carried unanimously.**

#### **EXECUTIVE SESSION: Litigation**

Commissioner Rainer made a motion, seconded by Commissioner Berry, and voted unanimously that this Board enter into closed session as allowed by O.C.G.A. § 50-15-4 at 7:24 p.m., and pursuant to the advice by the County Attorney, for the purpose of discussing litigation.

That upon conclusion of the discussion or deliberation in the closed session portion of the meeting that this body enter back into open session, open to the public, at which point an announcement will be made in the Courtroom of the Historic Courthouse that this Board is back in session.

That upon coming back into open session that this body ratify the consensus taken in closed session; and

That this body, in open session, adopt a resolution authorizing and directing the Chairman to execute an affidavit in compliance with O.C.G.A. § 50-15-4, and that this body confirm the acts of the Board in closed session were as required by law and approved by the County Attorney.

**RECONVENE:**

Commissioner Rainer made a motion, seconded by Commissioner Sears. The vote was unanimous to reconvene the meeting at 8:13 p.m.

Chairman Rhodes signed the affidavit as required by O.C.G.A. § 50-15-4(b). The original copy of the affidavit immediately follows these minutes and a copy is on file in the Executive Assistant's office.

No action was taken.

**RESOLUTION OF THE CAMDEN COUNTY  
BOARD OF COMMISSIONERS**

**BE IT RESOLVED** by the Camden County Board of Commissioners as follows: At the meeting held on the 2nd day of January, 2007, with the following Commissioners being present: Chair Preston Rhodes, Vice Chair Katherine Nisi-Zell, Commissioner Rainer, Commissioner Berry, Commissioner Sears, the Board of Commissioners entered into closed session for the purpose of discussing  
Litigation

\_\_\_\_\_. At the close of the discussions on this subject, the Board did agree to reconvene into open session and herewith takes the following action in open session:

- (1) The actions of the Board and the discussion of the same regarding the matter set forth for closed session purposes are hereby ratified.
- (2) Each member of this body does hereby confirm to the best of their knowledge, based upon the advice of the County Attorney, who was present during said closed session portion was devoted to matters within the exceptions provided by law and the specific relevant exception is the subject matter as set forth above.
- (3) The Chairman of this Board, or the presiding officer, is hereby authorized and directed and pursuant to the Resolution shall execute an affidavit, in full support of the members of this Board, in order to comply with O.C.G.A. § 50-14-4(b).
- (4) The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute, which shall be substantially as follows:

**AFFIDAVIT AS REQUIRED UNDER O.C.G.A. § 50-14-4(b)**

Personally appeared before the undersigned attesting officer duly authorized to administer oaths, Preston Rhodes, who, after being duly sworn, deposes and on oath states the following:

- (1) I was the chairperson/presiding officer of a meeting of the Camden County Board of Commissioners held on the 2nd day of January, 2007.
- (2) The subject matter of the closed portion of the meeting which was closed for the purposes of discussing Litigation as allowed by the O.C.G.A. § 50-14-2 and § 50-14-3 was devoted to matters within those exceptions and as provided by law.
- (3) This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4-(b) that such an affidavit be executed.

This 2nd day of January, 2007.

\_\_\_\_\_  
Chairperson/Presiding Officer

Sworn to and subscribed before me  
This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Those voting in favor of the Resolution:  
Commissioners:\_\_\_\_\_

Those voting against the Resolution:  
Commissioners:\_\_\_\_\_

**ADJOURNMENT:**

Motion made by Commissioner Sears, seconded by Vice-Chair Zell to adjourn the January 2, 2007 meeting. The vote was unanimous to adjourn the meeting at 8:14p.m.

Respectfully submitted,

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

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