

**CAMDEN COUNTY BOARD OF COMMISSIONERS MEETING
TUESDAY, MAY 15, 2007 - 6:00 PM
COUNTY ANNEX
KINGSLAND, GEORGIA**

A regular meeting of the Camden County Board of Commissioners was held on Tuesday, May 15, 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 Attorney Brent Green; and Mrs. Penny Woodard.

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:

Chairman Rhodes recommended the following agenda amendments:

Removal of Items under Work Session:

- Additional Pod for the Sheriff's Department
- Impact Fee Assessment Report

Addition of the following items under New Business:

- J. Consideration of Approval of Agreement between Department of Transportation and Camden County for Capital Improvement Assistance.
- K. Consideration of Approval of Resolution Adopting the 2007 Solid Waste Management Plan Update for Camden County, City of Kingsland, City of St. Marys and City of Woodbine.
- L. Consideration of Resolution to Provide a Continuing Budget for the Camden County Board of Commissioners for the Fiscal Year 2006-2007 for the Joint Development Authority.
- M. Consideration of Approval of Resolution to Provide a Continuing Budget for the Camden County Board of Commissioners for the Fiscal Year 2006-2007 for the Jail.

MOTION TO ADOPT THE AGENDA:

Commissioner Sears made a motion, seconded by Vice-Chair Zell 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 April 17, 2007.

The motion carried unanimously.

PRESENTATIONS:

➤ **Community Assessment for Joint Comprehensive Plan – Tricia Reynolds**

Ms. Reynolds stated that she has met with all the cities in order to introduce them to the Community Assessment Comprehensive Plan and Public Participation Program. She explained that this is the vision of the county and the cities. Ms. Reynolds gave the Board a brief overview of what the Comprehensive Plan consists of and explained the areas the plan will impact. She gave a brief overview of the documentation provided to the Board of Commissioners for review.

➤ **Presentation of Camden County Chief Appraiser Rick Daniel**

Robert Rudolph, Chairman of the Board of Assessors, introduced the new Chief Appraiser, Mr. Rick Daniel, to the Board of Commissioners.

Mr. Daniel stated that he is looking forward to working for Camden County.

REPORTS:

A. Calendar

The May/June calendars were read.

B. County Manager's Report:

Mrs. Penny Woodard told the Board of Commissioners that she had asked Chief Gailey to give the Board an update on the wildfires and Harvey Amerson to update the Board on ongoing construction projects.

Chief Gailey stated that the fires threatening Ware County have crossed into Florida and have destroyed approximately four hundred thousand (400,000) acres of land. He stated

that the cost incurred from the damage of the fires is approximately twenty-five million dollars (\$25,000,000.00). He stated that Camden County has had two (2) fires and some controlled burns. He explained that Camden County and the cities of Saint Marys and Kingsland have spent a total of twenty-one (21) days in Ware County and at this time there is a burn ban in effect.

Facilities Maintenance Director Harvey Amerson explained that the stud work for the central offices is one hundred percent (100%) complete and the windows will be installed soon. He stated that the Ralph Bunche Complex and the Central office are on schedule. He stated that the Old Woodbine school renovations are on schedule. Mr. Amerson stated that the Dover Bluff Fire Station drawings are complete, trees have been cut and the LDA permit has been acquired.

PUBLIC COMMENTS:

Jack Sutton

Mr. Sutton stated that the Park Service has increased their fee to access Cumberland Island. He stated that he is pushing for public docking at Cumberland. Mr. Sutton explained that Camden County owns the beaches, marshes and tidal creeks. He stated that the visitation fee to access Cumberland Island is four (\$4.00) dollars and the Park Service wants to increase the fee to seven (\$7.00) dollars which would be a seventy-five (75%) percent increase. He asked the Board of Commissioners to adopt a Resolution opposing the increase in the fee.

Chairman Rhodes stated that the issue would be looked further for consideration.

Janet Heath

Ms. Heath stated that recently the issue concerning a new pod for the jail has not been discussed recently and she explained that the issue will not just go away. She stated that the jail is encroaching on Woodbine and that behind the jail is a double wide garage that could be moved in order to utilize this space for housing of prisoners. She stated that being proactive and letting the citizens know the needs of the jail should be a priority. She asked the Board to consider forming another committee with citizens from the county to help find a solution for the overcrowding at the jail.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration of Requests by Patti & William Ehrhardt and Charles & Sue Jordan (Mitch McCue / Cypress Investments) for Refund of Penalties Paid on Taxes.

- **Consideration of Request by Patti & William Ehrhardt for Refund of Penalties Paid on Taxes.**

Commissioner Sears made a motion, seconded by Commissioner Berry to Deny the Request by Patti & William Ehrhardt for Refund.

The motion carried unanimously.

- **Consideration of Request by Charles & Sue Jordan (Mitch McCue / Cypress Investments) for Refund of Penalties Paid on Taxes.**

Commissioner Sears made a motion, seconded by Vice-Chair Zell to Deny the Request by Charles & Sue Jordan (Mitch McCue / Cypress Investments) for Refund.

The motion carried unanimously.

B. Consideration of Tax Release Applications.

- Alliant Tech Systems, Digest Year 2006, Bill No. 296, \$270.00;
- Michael Hardigree, Digest Year 2005, Bill No. 8903, \$130.21
- Michael Hardigree, Digest Year 2006, Bill No. 9417, \$129.60
- Robs Service Center c/o Donnie Roberts, Digest Year 2003, Bill No. 16137, \$294.70.
- Robs Service Center c/o Donnie Roberts, Digest Year 2004, Bill No. 16717, \$273.28;
- Robs Service Center c/o Donnie Roberts, Digest Year 2005, Bill No. 17955, \$271.28;
- Robs Service Center c/o Donnie Roberts, Digest Year 2006, Bill No. 19258, \$270.00.

Vice-Chair Zell made a motion, seconded by Commissioner Sears to Approve the Tax Release Applications of May 15, 2007.

The motion carried unanimously.

C. Second Reading and Adoption of Ordinance to Amend Article IV Soil Erosion and Sediment Control Ordinance.

Commissioner Rainer made a motion, seconded by Commissioner Sears to waive the Second Reading and Adopt the Ordinance to Amend Article IV Soil Erosion and Sediment Control Ordinance.

ARTICLE IV. Soil Erosion and Sedimentation Control Ordinance

WHEREAS, the County desires to adopt this Soil Erosion and Sedimentation Control Ordinance to be codified at Chapter 30, Article IV of the County’s Code of Ordinances in order to issue land disturbance permits in accordance with Georgia Soil Erosion and Sedimentation Control Act. The ordinance will be amended in its entirety and shall be codified as follows:

Sec 30-181. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this chapter, unless otherwise specifically stated:

Best Management Practices (BMP's) means a collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event. Minimum criteria for BMP’s are set forth in chapter 6 of the “Manual for Erosion and Sediment Control in Georgia”.

Board means the Board of Natural Resources.

Buffer means the area of land immediately adjacent to the banks of State waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat. The width of the buffer is measured from the top of the banks of the waters where vegetation has been wrested by normal stream flow or wave action. In the County, the minimum buffer width shall be 50 feet.

“Coastal marshlands” or marshlands” mean any marshland intertidal area, mud flat, tidal water bottom, or salt marsh in the State of Georgia within the estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses. “Vegetated marshland” shall include those areas upon which grow one, but not necessarily all, of the following: salt marsh grass (*Spartina alterniflora*), black needlerush (*Juncush roemerianus*), saltmeadow cordgrass (*Spartina patens*), big cordgrass (*Spartina cynosuroides*), saltgrass (*Distichlis spicata*), coast dropseed (*Sprobolus virginicus*), bigelow glasswort (*Salicornia bigelovii*), woody glasswort (*Salicornia virginica*), saltwort (*Batis maritime*), sea lavender (*Limonium nashii*), sea oxeye (*Borrichia frutescens*), silverling (*Baccharis halimifolia*), false willow (*Baccharis angustifolia*), and high-tide bush (*Iva frutescens*). The occurrence and extent of salt marsh peat at the undisturbed surface shall be deemed to be conclusive evidence of the extent of a salt marsh or a part thereof.

Commission means the State Soil and Water Conservation Commission.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

Department means the Department of Natural Resources.

Director means The Director of the Environmental Protection Division of the Department of Natural Resources.

District means the Soil and Water Conservation District designated by the State to have jurisdiction over the County.

Division means The Environmental Protection Division of the Department of Natural Resources.

Drainage structure means a device composed of virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

Erosion means the process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and sediment control plan means a plan for the control of soil erosion and sediment resulting from land-disturbing activity. Also known as the "plan."

“Estuarine area” means all tidally influenced waters, marshes, and marshlands lying within a tide-elevation range from 5.6 feet above mean tide level and below.

Existing grade means the vertical location of the existing ground surface prior to cutting or filling.

Fill means a portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Filling means the placement of any soil or other solid material either organic or inorganic on a natural ground surface or excavation.

Final stabilization means that all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures, at least 70% of the soil surface is uniformly covered in permanent vegetation or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) and have been installed as per manufacturers instructions or engineering specifications.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading means altering ground surfaces to specified elevations, dimensions, and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Grinding means grinding all shrubs and trees that are removed from the site, storing these grindings, on site, and using this material for mulch, on site.

Ground elevation means the original elevation of the ground surface prior to cutting or filling.

Issuing Authority means the governing authority of the County which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as, pursuant to the Erosion and Sedimentation Act of 1975, as amended.

Jobsite Erosion Control Supervisor (JECS) means an employee of the permit holder (owner, developer, or builder) who is qualified through training and education by successfully completing an erosion and sediment control short course eligible for continuing education units, or an equivalent course approved by EPD and the State Soil and Water Conservation Commission, and has a minimum of one year experience in supervising erosion control practices and procedures, who is designated to serve in that County. Evidence of such qualifications shall be furnished to the Planning Director upon request.

Land-disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in O.C.G.A. 42-138(3) and (4).

Larger Common Plan of Development or Sale means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Manual means the current edition of the Georgia Soil and Water Conservation Commission’s “Manual for Erosion and Sediment Control in Georgia”.

Metropolitan River Protection Act (MRPA) means a state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural ground surface means the ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTU) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

One-hundred-year floodplain means land in the floodplain subject to a one percent or greater statistical occurrence probability of flooding in any given year.

Operator means the party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm water pollution prevention plan or to comply with other permit conditions.

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this chapter.

Permit Board means a covered board with sufficient area for posting land-disturbing or building permits, inspection slips, and any placard, which may be posted by the County. This board shall be placed within three feet of the C/O Entrance Pad and within three (3) feet of the front of the property line. The board shall be a minimum of 16''x16'' and shall be mounted five (5) feet in height above grade.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Qualified Personnel means any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.

Roadway drainage structure means a device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sedimentation means the process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

Soil and Water Conservation District approved plan means an erosion and sedimentation control plan approved in writing by the Satilla Soil and Water Conservation District.

Stabilization means the process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or in combination with installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit means the National Pollution Discharge Elimination System general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et. Seq. and subsection (f) of Code Section 12-5-30.

State waters means any and all rivers, streams, creeks, coastal marshlands, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural Erosion and Sediment Control Practices means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders waterways or outlets, diversions, grade stabilization structures, sediment traps, land grading, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Topsoiling means stripping off the more fertile topsoil, storing it onsite, and then re-spreading it over the disturbed area, after construction activities, to enhance seed, sod, and/or other growth in achieving final stabilization.

Trout streams means all streams or portions of streams within the watershed as designated by the game and fish division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown, or brook trout. Streams

designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative Erosion and Sediment Control Measures means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Watercourse means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 30-182. EXEMPTIONS

(a) This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "Mineral Resources and Caves Act",
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities, which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Section 30-183 of this ordinance.
5. Agricultural operations as defined in O.C.G.A. 1-3-3, "Definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chicken, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farms buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities

otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 30-183 C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

7. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;

8. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any State waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage-ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage-way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the County from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this Section;

9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan or development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the County, the County shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the shall enforce compliance with the minimum requirements set forth in O.C.G.A.

12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

11. Any public water system reservoir.

Sec. 30-183. MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES

A. General Provisions

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities, which are not exempted by this ordinance, shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section 30-183 B & C of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.

B. Minimum Requirements/BMP's

1. Best Management practices as set forth in Section 30-183 B & C of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act" as used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).

2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a County or of any State general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes, which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a or of any state general permit issued by the division pursuant to subsection (f) O.C.G.A. 12-5-30, the “Georgia Water Quality Control Act”, for each day on which such failure occurs.

4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

C. The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- 1) Stripping of vegetation, re-grading, and other development activities shall be conducted in a manner so as to minimize erosion;
- 2) Cut-fill operations must be kept to a minimum;
- 3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
- 4) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;
- 5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- 6) Disturbed soil shall be stabilized as quickly as practicable; but in no case will bare soil be allowed to be exposed longer than fourteen (14) days;
- 7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development; this would include but not limited to slopes, rights-of-ways, channels, ditches, parking areas, building pad areas, etc.;
- 8) Permanent vegetation and structural erosion control measures shall be installed as soon as practicable. All permanent vegetation and structural erosion control practices must be installed before the Camden County Board of Commissioners will accept the improvements and or “sign-off” on the project;
- 9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area

is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;

10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

11) Cuts and fills may not endanger adjoining property;

12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any such case, that such crossings are kept to a minimum;

14) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 30-183 B. 2. of this ordinance;

15) Except as provided in paragraph (16) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured for coastal marshlands horizontally from the delineated boundary of jurisdictional marshlands and for all other state waters as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetation cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as

protective vegetation cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

D. Nothing contained in this chapter shall prevent any County from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 30-183 B. & C. of this ordinance;

E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

F. There remains, under this ordinance, a riparian buffer 25ft inland of the marsh jurisdictional boundary, including the boundary line itself, regardless of any past, present, future installations including landscape alterations, in the buffer whether permitted or not.

Sec. 30-184. APPLICATION/PERMIT PROCESS

A. General

The property owner, developer, and designated planners and engineers shall review the general development plans and detailed plans of the Local Issuing authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, storm water management ordinance, subdivision regulations, flood damage prevention ordinance, fire hydrant ordinance, this ordinance, and other ordinances, which regulate the development of land within the jurisdictional boundaries of the County. However, the operator is the only party who may obtain a permit.

B. Application Requirements

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the County without first obtaining a permit from the Planning Director to perform such activity.

2. The application for a permit shall be submitted to Planning Director and must include the applicant's soil erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 30-184 C. of this ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of Section 30-183 B. & C. of this ordinance. Applications for a permit will not be accepted unless accompanied by five (5) copies of the applicant's soil erosion and sedimentation control plans. All applications shall contain a certification stating that the

plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the Board.

3. A fee shall be charged for each application, and no application shall be deemed complete unless the requisite fee is paid at the time of filing. The amount of required fee shall be set forth in a Fee Schedule, maintained in the office of the County Clerk, as from time to time revised by resolution of the Board of Commission.

4. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph 5 subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permute as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

5. Immediately upon receipt of an application and plan for a permit, the County shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. A District shall approve or disapprove a plan within 35 days of receipt. Failure of a District to act within 35 day shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the County. No permit will be issued unless the District has approved the plan, and any variances required by Section 30-183 C. 15. & 16. And bonding, if required as per Section 30-184.7, have been obtained. Such review will not be required if the County and the District have entered into an agreement which allows the County to conduct such review and approval of the plan without referring the application and plan to the District.

6. If a permit applicant has had two or more violations of previous permits, this ordinance Section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the County may deny the permit application.

7. The County may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the County may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the County with respect to alleged permit violations.

C. Plan Requirements

1. Plans must be prepared to meet the minimum requirements as contained in Section 30-183B. & C. of this ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the “Manual for Erosion and Sediment Control in Georgia” published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The “Manual for Erosion and Sediment Control in Georgia” is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances, and State laws.

2. Data Required for Site Plan:

- a. Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
- b. Description of existing land use at project site and description of proposed project.
- c. Name, address, and phone number of the property owner.
- d. Name and phone number of 24-hour local contact that is responsible for erosion and sediment control.
- e. Size of project, or phase under construction, in acres.
- f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in **bold letters** that **"the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities"**.
- g. Storm water and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
- h. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
- i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the “Manual for Erosion and Sediment Control in Georgia”.
- j. Maintenance statement - "Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."

3. Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, inspection or any land-disturbing activity shall meet the education and training certification requirements as developed by the Commission pursuant to O.C.G.A 12-7-20. The certified plans shall contain:

- a. Graphic scale and north point or arrow indicating magnetic north.
- b. Vicinity maps showing location of project and existing streets.
- c. Boundary line survey.
- d. Delineation of disturbed areas within project boundary.
- e. Existing and planned contours, with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, ft.
1 inch = 100 ft. or larger scale	Flat 0--2% Rolling 2--8% Steep 8%+	0.5 or 1 1 or 2 2, 5 or 10

- f. Adjacent areas and feature areas such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
- g. Proposed structures or additions to existing structures and paved areas.
- h. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPAs areas.
- i. Delineate the specified horizontal buffer along designated trout streams, where applicable.
- j. Location of erosion and sedimentation control measures and practices using coding symbols from the “Manual for Erosion and Sediment Control in Georgia”, Chapter 6.

- 4. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.
- 5. Erosion and sedimentation plans will be required for each lot of any subdivision and will be presented to the Planning & Building Department at the time of application for the Building Permit. This individual plan can be derived from the construction plans for the development or prepared on a lot-by-lot basis. Lots that are created from subdivisions which are not a part of a larger development and front along existing right-of-way shall also be required to provide an erosion and sedimentation plan and apply for a land disturbance permit prior to issuance of a Building Permit for the lots.

D. Permits

- 1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the County of a completed application, providing variances and bonding are obtained, where necessary.
- 2. No permit shall be issued by the County unless the District has approved the erosion and sedimentation control plan and the County has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section 30-183 C. 15. & 16. are obtained, bonding requirements, if necessary, as per Section 30-184.7 are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the County are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- 3. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

4. The permit may be suspended, revoked, or modified by the County, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

Sec. 30-185. INSPECTION AND ENFORCEMENT

A. The County authorized agent, will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the County shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.

B. The authorized County agent shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

C. No person shall refuse entry or access to any authorized representative or agent of the , the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

D. The District or the Commission, or both, shall periodically review the actions of counties and municipalities that have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission, or both, may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

E. The Board, on or before December 31, 2003, promulgated rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a local issuing authority. The Division may periodically review the actions of counties and municipalities that have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's

ordinances and review of conformance with an agreement, if any, between the District and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within 30 days after notification by the Division, the Division may revoke the certification of the county or municipality as a local issuing authority.

Sec. 30-186. PENALTIES AND INCENTIVES

A. Failure to Obtain a Permit for Land-disturbing Activity. If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit, or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Camden County Soil Erosion and Sedimentation Control Ordinance.

B. Stop Work Orders.

1. For the first and second violations of the provisions of this ordinance, the County desires to adopt this Soil Erosion and Sedimentation Control Ordinance to be codified at Chapter 30, Article IV of the County's Code of Ordinances in order to issue land disturbance permits in accordance with Georgia Soil Erosion and Sedimentation Control Act. The ordinance will be amended in its entirety and shall be codified as follows:

2. For a second and each subsequent violation, the Director or Local Issuing Authority shall issue an immediate stop work order; and;

3. All Stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the County or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the County or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

5. When a violation in the form of soil erosion and sedimentation leaving the property of any person, firm or corporation onto a County road causing concern for protection of public health, safety and general welfare may result in an immediate stop work order and/or citation.

C. Bond Forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to

comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 30-184.7. The County may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. Monetary Penalties. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty. For the purpose of enforcing the provisions of this ordinance, notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any Magistrate Court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under County ordinances approved under this ordinance may be authorized to impose penalties to the extent allowed by the County Charter. Each day during which violation, failure, or refusal to comply continues shall be a separate violation.

Sec. 30-187. EDUCATION AND CERTIFICATION

After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection of any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A 12-7-20.

Sec 30-188. ADMINISTRATIVE APPEAL, JUDICIAL REVIEW

(a) **Administrative remedies.** The suspension, revocation, modification or grant with condition of a permit by the issuing authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any chapter; shall entitle the person submitting the plan or holding the permit to a hearing before the County Manager/Administrator within 14 days after receipt by the issuing authority of appeal. The person must file with the County Administrator/Administrator the grounds for appeal within ten days of the date of the notice of the suspension, revocation, modification, or conditional permit or a stop-work order.

(b) **Judicial review.** Any person, aggrieved by a decision or order of the issuing authority, after exhausting his administrative remedies, shall have the right to appeal to the Superior Court of Camden County

SECTION 30-189

This Ordinance shall become immediately effective upon its second reading and adoption by the County Council.

SECTION 30-190

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as is fully set out herein.

SECTION 30-191

This Ordinance shall be codified within the Code of Ordinances of Camden County, Georgia at Chapter 30, Article IV in a manner consistent with the laws of the State of Georgia.

SECTION 30-192

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 30-193

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Adopted in legal assembly this _____ day of _____, 2007.

Preston Rhodes, Chair
Camden County Board of Commissioners

ATTEST:

Diana Smith, County Clerk

The motion carried unanimously.

- D. Consideration of Request by Keith and Geneva Pierce (#SU003-007) for Approval of a Special Use Permit to allow a mobile home located at 1103 Colerain Road in Kingsland. This property is identified on Tax Map 069A, Parcel #001.**

Commissioner Sears made a motion, seconded by Commissioner Rainer to Approve the Request by Keith and Geneva Pierce for a Special Use Permit to allow a mobile home located at 1103 Colerain Road in Kingsland. This property is identified on Tax Map 069A, Parcel #001.

The motion carried unanimously.

E. Consideration of Request by Spring Bluff, LLC (#S-005-07(F) for Final Plat Approval for River Place Plantation Phase II for 56 lots and 2 tracts located north of Highway 17. This property is identified on Tax Map 097, Parcel #013.

Commissioner Rainer made a motion, seconded by Commissioner Sears to Approve the Request by Spring Bluff, LLC for River Place Plantation Phase II for Final Plat for 56 lots and two (2) tracts located north of Highway 17. This property is identified on Tax Map 097, Parcel #013.

The motion carried unanimously.

F. Consideration of Approval of Agreement between Department of Transportation and Camden County for the Transit Operating Assistance Contract (Section 5311).

Commissioner Sears made a motion, seconded by Commissioner Rainer to Approve the Agreement between Department of Transportation and Camden County for the Transit Operating Assistance Contract (Section 5311).

The motion carried unanimously.

G. Consideration of Appointment to the Camden County Board of Assessors.

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to Appoint Louise Mitchell to the Camden County Board of Assessors.

The motion carried unanimously.

H. Consideration of Approval of Financial Software.

Commissioner Sears made a motion, seconded by Vice-Chair Zell to Approve the staff recommended bid by Tyler Technologies for financial software.

The motion carried unanimously.

I. Consideration of ACCG 401A Defined Contribution Plan.

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to Approve the ACCG 401A Defined Contribution Plan to GEB Corp.

So Voted:

Chairman Rhodes – Aye

Vice-Chair Zell – Aye

Commissioner Rainer – Aye

Commissioner Berry – Aye

Commissioner Sears – Abstain

The motion carried.

J. Consideration of Approval of Agreement between Department of Transportation and Camden County for Capital Improvement Assistance.

Commissioner Sears made a motion, seconded by Vice-Chair Zell to Approve the Agreement between Department of Transportation and Camden County for Capital Improvement Assistance for One ADA vehicle.

The motion carried unanimously.

K. Consideration of Approval of Resolution Adopting the 2007 Solid Waste Management Plan Update for Camden County, City of Kingsland, City of St. Marys and City of Woodbine.

Vice-Chair Zell made a motion, seconded by Commissioner Sears to Approve the Resolution Adopting the 2007 Solid Waste Management Plan Update for Camden County, City of Kingsland, City of St. Marys and City of Woodbine.

The motion carried unanimously.

L. Consideration of Approval of Resolution to Provide a Continuing Budget for the Camden County Board of Commissioners for the Fiscal Year 2006-2007 for the Joint Development Authority.

Commissioner Berry stated he believed the two hundred thousand dollars (\$200, 000.00) that the Joint Development Authority is over budget was suppose to come from the Joint Development Authority Reserve Fund.

Finance Director Mike Fender stated that they are over budget due to the two hundred thousand dollars (\$200,000.00) as a result of contract agreements that the county took over.

Interim County Manager Penny Woodard stated that payroll was also included in this amount.

County Attorney Brent Green asked if Moreland Alltobelli had been paid for their services.

Ms. Woodard stated that Moreland Alltobelli had been paid.

Mr. Fender stated he would like to go back and see where the JDA went off track.

Commissioner Berry stated that this department could shut down until July 1, 2007.

Chairman Rhodes stated that this issue would need more time to be researched and recommended tabling this item until June 5, 2007.

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to table this item until the June 5, 2007 Board of Commissioners meeting.

The motion carried unanimously.

M. Consideration of Approval of Resolution to Provide a Continuing Budget for the Camden County Board of Commissioners for the Fiscal Year 2006-2007 for the Jail.

Mr. Fender stated that he is projecting the total operations budget for housing prisoners outside of Camden County will be approximately seven hundred and eighteen thousand dollars (\$718,000) through June 30, 2007.

Commissioner Berry asked where the money would come from to continue the budget for the jail.

Mr. Fender stated that it would be taken from the fund balance.

Commissioner Berry asked how the jail is seven hundred thousand dollars (\$700,000.00) off and how they expect the Board of Commissioners to pay this amount of money. He explained that he has not seen anything done to decrease the number of prisoners being housed at the jail. Commissioner Berry stated that the Sheriff's Department is being unrealistic and needs to live within their budget.

Chairman Rhodes asked if the fund balance was being recommended as a solution. He stated that the jail cannot shut down and they need to work on fixing the budget problem.

Commissioner Berry asked when we say enough. He stated that he would not support this and the Sheriff's office should be forced to fix their problem.

Commissioner Rainer stated that they cannot save \$800,000 in three (3) months and this is a bigger issue. He explained that they need to manage their budget as approved and they cannot continue to go up as they have without a tax increase.

Commissioner Berry stated that they should have their budget cut seven hundred thousand dollars (\$700,000.00) next year.

Commissioner Rainer stated that they cannot shut down services, but they do need help controlling their budget.

Commissioner Sears stated that a majority of the costs are medical and jail expenses. She explained that they have no authority to make judges release prisoners.

Commissioner Sears made a motion, seconded by Commissioner Rainer to Approve the Resolution to Provide a Continuing Budget for the Camden County Board of Commissioners for the Fiscal Year 2006-2007 for the Jail.

So Voted:

Chairman Rhodes - Aye

Vice-Chair Zell – Aye

Commissioner Rainer – Aye

Commissioner Berry – Nay

Commissioner Sears – Aye

The motion carried 4-1.

EXECUTIVE SESSION: Litigation

Commissioner Rainer made a motion, seconded by Commissioner Sears, and voted unanimously that this Board enter into closed session as allowed by O.C.G.A. § 50-15-4 at 7:39p.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 County Annex Meeting Room that this Board is back in session.

RECONVENE:

Commissioner Rainer made a motion, seconded by Commissioner Sears. The vote was unanimous to reconvene the meeting at 8:07 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 15 day of May, 2007, with the following Commissioners being present: Chair Preston Rhodes; Vice-Chair Katherine Nisi-Zell; Commissioner David L. Rainer; Commissioner Stephen L. Berry; Commissioner Charlene 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 15 day of May, 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 15 day of May, 2007.

Chairperson/Presiding Officer

Sworn to and subscribed before me

This day of , 2007.

Notary Public

Those voting in favor of the Resolution:

Commissioners: Chair Preston Rhodes; Vice-Chair Katherine Nisi-Zell; Commissioner David L. Rainer; Commissioner Stephen L. Berry; Commissioner Charlene Sears

Those voting against the Resolution:

Commissioners: None

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Commissioner Sears made a motion, seconded by Vice-Chair Zell to adjourn the May 15, 2007 meeting. The vote was unanimous to adjourn the meeting at 8:08 p.m.

Respectfully submitted,

Preston Rhodes, Chairman

Diana Smith, Executive Assistant/Clerk

