

**CAMDEN COUNTY BOARD OF COMMISSIONERS MEETING  
TUESDAY, JULY 17, 2007 - 6:00 PM  
COUNTY ANNEX  
KINGSLAND, GEORGIA**

**A regular meeting of the Camden County Board of Commissioners was held on Tuesday, July 17, 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.**

**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 under Old Business Item 12:**

- A. Consideration of Approval of a Resolution to Provide a Continuing Budget for the Fiscal year 2006-2007 for the Joint Development Authority.

**Removal under New Business Item 13:**

- M. Consideration of Approval of Lease Agreement between Georgia Department of Transportation and Camden County regarding 5311 Program.

**MOTION TO ADOPT THE AGENDA:**

Commissioner Rainer 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 June 19, 2007.

**The motion carried unanimously.**

## **PUBLIC COMMENTS:**

Jim Stein

Mr. Stein stated that the trustee program is in shambles and the program needs to be investigated. He stated that Sheriff Smith had paid his attorney, Taylor Jones, sixty-five thousand dollars (\$65,000.00) out of seized drug money. He explained that the trustee program is out of control and the people overseeing this program have made irresponsible decisions with projects the assigned to trustees. He urged the Board of Commissioners to take responsible action and suspend the trustee program until the investigation regarding improper use of inmate labor is complete. He asked the Board of Commissioners to fulfill their oath of office and do what is right for Camden County.

Mary Ann Seaman

Mrs. Seaman stated that she is a lifetime resident of Camden County and she remembers when the trustees would rake yards and wash cars for people. She stated that the work the trustees have done at Camden House is commendable and lately she has only heard negativity when people talk of the trustee program. She stated that there is a positive aspect of the trustee program.

Scott Alexander

Mr. Alexander presented a Resolution for consideration by the Board of Commissioners to call upon Superior Court Judge Amanda Williams to correct an injustice by setting a bond for defendant Dr. Noel Natividad Chua who is currently incarcerated in the Camden County Public Safety Complex in Woodbine, Georgia. He urged the Board of Commissioners to consider this Resolution to correct an injustice brought upon Dr. Chua.

Jim Dunn

Mr. Dunn stated that he is a patient of Dr. Chua and expressed his support in granting his release from jail.

Patricia Villanueva

Ms. Villanueva stated that the Sheriff's office needed to put inmate uniforms on the trustees and she expressed her concern against convicted felons participating in the trustee program.

Mary Ann Seaman

Mrs. Seaman stated that Dr. Chua has been incarcerated for almost one (1) year and the Resolution brought before the Board of Commissioners tonight is supporting his release on bond. She explained that she along with all of the supporters of Dr. Chua are frustrated and want to see this injustice corrected and for Dr. Chua to be granted a bond.

County Attorney Brent Green stated that he does not recommend the Board of Commissioners get involved in the judicial process concerning Dr. Chua. He explained that Dr. Chua's Attorney has legal remedies.

Commissioner Berry stated that he understands the frustration that Dr. Chua and his supporters are enduring, but there is already enough politics involved in this situation. He explained that Dr. Chua's attorneys can file a motion to reconsider bond and demand a speedy trial. He stated that the Board of Commissioners is not the answer to Dr. Chua's dilemma.

Mrs. Seaman explained that Dr. Chua's supporters want attention and for someone to listen to them. She explained that the Resolution is an appeal to the Board of Commissioners for support.

Chairman Rhodes stated that Mrs. Seaman is confusing two issues and the issue with Dr. Chua needs to be resolved with his attorneys.

Commissioner Berry stated that it is unreasonable to expect the Board of Commissioners to sign the Resolution for Dr. Chua.

Matt Mann

Mr. Mann stated that when Dr. Chua was arrested his bank accounts were seized and he has no money to pay his attorneys.

Sandy Feller

Mr. Feller stated that he was one of Dr. Chua's first patients and he was a good doctor until this incident. He stated that he doesn't know why a speedy trial has not been requested by Dr. Chua's attorneys. He explained that his bail was denied because of the fact that it is a murder trial and Dr. Chua is considered a flight risk. He stated that Dr. Chua is obviously not a flight risk when he is seen alone and roaming outside the Public Safety Complex on the weekends. He stated that Dr. Chua was also seen on Cumberland Island and he asked the Board of Commissioners if Dr. Chua was permitted to leave the jail in this manner why would he be considered a flight risk. He also stated that it was his understanding that Dr. Chua has been out of State with the Sheriff.

Cecily Hill

Mrs. Hill presented a check for five thousand dollars (\$5,000.00) on behalf of Satilla Bank in support of the Drug Court Program and urged the Board of Commissioners to continue to allocate funds in for this program.

#### **PRESENTATIONS:**

- Proclamation – General Magnus, Assistant Commandant of the United States Marine Corp visit to Camden County

Commissioner Sears read the Proclamation honoring General Magnus, Assistant Commandant of the United States Marine Corp, and his visit to Camden County.

➤ Proposed Amendments to the Flood Ordinance – Collis Brown

State Coordinator Collis Brown explained that he is with the National Flood Insurance Program of the Environmental Health Division's Flood Plain Management Office. He stated after meeting with Planning Director Loretta Hylton and discussing the prerequisite for flood insurance in this area he believes that there is a need for an updated Flood Plan Management Ordinance in Camden County. He stated that Camden County needs to be in compliance to FEMA standards in order to have adequate Flood Insurance provided to the citizens in Camden County.

Planning Director Loretta Hylton explained that the next step would be to schedule a series of Public Hearings to be held next month. She explained that the County's Flood Ordinance needs to be strictly enforced in order to avoid probation and possible fines from FEMA.

Mr. Brown stated that the flood maps are being updated to properly identify flood zones in our area.

**WORK SESSION:**

➤ **Clarification and/or Rules and Regulations regarding use of Inmate Labor.**

Commissioner Berry asked who wrote the policy for the rules and regulations regarding use of Inmate Labor.

Commissioner Rainer stated that the information was obtained from various places.

Commissioner Berry asked if the Sheriff's Office had written the document.

Commissioner Rainer stated that it was an effort to clarify the trustee program.

Commissioner Berry asked again who wrote the document.

Commissioner Rainer explained that the issue was not with who wrote the document.

Commissioner Berry stated that it was the issue and the document basically says that the Sheriff's Office can do whatever they want with the trustee program.

Commissioner Rainer asked Commissioner Berry if he would at least allow the document to be presented.

Commissioner Berry stated that he believed the rules and regulations clarified in the document pertaining to the trustee program were against the law. He explained that he believes it is illegal for inmates to do work on private for non-profit properties.

Commissioner Sears stated that inmate labor has been allowed on private properties in order to clean up criminal acts such as graffiti.

Commissioner Rainer asked if the Board of Commissioners wanted to make rules for this program.

Commissioner Berry asked why in the Board of Commissioners would want to become the Captain of the Titanic.

Commissioner Sears stated that there is a small group of people against Sheriff Smith and he is asking that the Board of Commissioners work with him to clarify the trustee program.

Commissioner Berry asked if the policy is adopted what happens when it is in violation of the law.

Commissioner Sears stated that the document is an Agreement not a policy.

Commissioner Berry stated that the Agreement can be used productively in a GBI investigation.

Chairman Rhodes asked County Attorney Brent Green for a legal opinion of what can and cannot be done regarding the Memorandum of Understanding for the trustee program.

Attorney Green explained that the law clearly states that trustees cannot do work on private and/or non-profit properties. He stated that this Memorandum of Understanding violates the law.

Commissioner Rainer explained that the Memorandum of Understanding was not intended to violate the law.

Attorney Green recommended the Board of Commissioners table this item until further information can be derived regarding the law surrounding this Memorandum of Understanding.

Commissioner Berry urged the Board of Commissioners to withhold funding for the trustee program until the Sheriff's Office can demonstrate that they can stay within the laws surrounding inmate labor. He stated that the Memorandum of Understanding clearly violates the law.

## **REPORTS:**

### **A. Calendar**

The July/August calendar was read.

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

**None.**

**OLD BUSINESS**

This item was removed during Agenda Amendments.

**NEW BUSINESS**

**A. Consideration of Approval of Indigent Defense Contract.**

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to Approve the Indigent Defense Contract without the additional sixteen hundred dollars (\$1600.00).

**B. Consideration of Approval of Humane Society of Camden County Contract.**

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to Approve the Humane Society of Camden County Contract contingent upon an agreement being made by County Attorney Brent Green and all parties involved with the Humane Society and their personnel.

Commissioner Berry stated that the Board of Commissioners is considering a tax increase and the Humane Society as well as other departments need to learn to live within their budget. He stated that he would not support new spending by any department.

**So Voted:**

**Chairman Rainer- Aye**

**Vice-Chair Zell- Aye**

**Commissioner Rainer- Aye**

**Commissioner Berry- Nay**

**Commissioner Sears-Aye**

**The motion carried 4-1.**

**C. Consideration of Approval and Adoption of Budget Resolutions for FY 07/08.**

Finance Director Mike Fender stated that with the increases made tonight the contingency fund will be reduced by approximately fifty thousand dollars (\$50,000.00) but that does not affect the general fund.

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to Approve and Adopt the Budget Resolutions for FY 07/08.

Commissioner Berry stated that there was no discussion on the Budget and Commissioner Sears was not to vote on a portion of this item.

Chairman Rhodes asked County Attorney Brent Green if the meeting was in order.

County Attorney Brent Green stated that Commissioner Berry may have some legitimate concerns.

Commissioner Sears made a motion, seconded by Commissioner Rainer to reconsider the Approval and Adoption of the Budget Resolutions for FY 07/08.

- **Commissioner Rainer made a motion, seconded by Vice-Chair Zell to Adopt the Budget Resolution for FY 07/08 without the Sheriff's Office portion of the Budget.**

Discussion:

Commissioner Berry explained that fifty thousand dollars (\$50,000.00) had already been added to the budget tonight and it is currently one million three hundred thousand dollars (\$1,300,000.00) out of balance. He explained that the Drug Court Program requires the County pay twenty thousand dollars (\$20,000.00) but the Sheriff's Office has stated in the past the Drug Court Program ends up costing them in the areas of housing, feeding and giving medical attention to participants that do not comply with the Programs guidelines. He stated that Drug Court could be funded by private donations such as the one given to them tonight for five thousand dollars (\$5,000.00). Commissioner Berry told his fellow Board members to not let their decisions tonight be funded by emotion, but to consider cutting the budget rather than adding to it.

**So Voted:**

**Chairman Rhodes- Aye**

**Vive-Chair Zell- Nay**

**Commissioner Rainer- Aye**

**Commissioner Berry- Nay**

**Commissioner Sear- Aye**

**The motion carried 3-2.**

- **Commissioner Rainer made a motion, seconded by Chairman Rhodes to Approve and Adopt the Sheriff's Office portion of the Budget for FY 07/08.**

Commissioner Berry stated that this was the last budget and for the Commissioners to consider balancing by cutting the inflated budget of the Sheriff's Office.

**So Voted:**

**Chairman Rhodes- Aye**

**Vice-Chair Zell- Nay**  
**Commissioner Rainer- Aye**  
**Commissioner Berry- Nay**  
**Commissioner Sears- Abstain**

**The motion failed.**

**D. Consideration of Adoption of Budget Resolution regarding Hotel/Motel Tax for FY 06/07.**

Commissioner Sears made a motion, seconded by Vice-Chair Zell to Adopt the Budget Resolution regarding Hotel/Motel Tax for FY 06/07.

**The motion carried unanimously.**

**E. Consideration of Approval for Michael and Caroline Fender of Advance Learning Center for Refund of a Fee Paid to the Planning and Building Department for Rezoning property located at 6870 Hwy 17, South of the intersection of Hwy 17 and Harriett's Bluff Rd.**

Commissioner Rainer made a motion, seconded by Vice-Chair Zell to Approve the Refund for Michael and Caroline Fender of Advance Learning Center for a Fee Paid to the Planning and Building Department for Rezoning property located at 6870 Hwy 17, South of the intersection of Hwy 17 and Harriett's Bluff Rd.

**The motion carried unanimously.**

**F. Consideration of Approval of Resolution to authorize the revision of the Camden County Flood Damage Prevention Ordinance.**

Commissioner Berry made a motion, seconded by Vice-Chair Zell to Approve the Resolution to authorize the revision of the Camden County Flood Damage Prevention Ordinance.

**The motion carried unanimously.**

**G. Consideration of Appointment of vacant position to the County Extension Agency.**

Commissioner Sears made a motion, seconded by Commissioner Rainer to Appoint Robbie Edalgo as a County Extension Agent and County Coordinator to begin by August 1, 2007.

**The motion carried unanimously.**

**H. Consideration of Appointment of one (1) vacancy to the Board of Health.**

Commissioner Sears made a motion, seconded by Vice-Chair Zell to Appoint Robin Braswell to the Board of Health.

**The motion carried unanimously.**

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

Commissioner Rainer made a motion, seconded by Chairman Rhodes to Approve the Tax Release Applications.

**The motion carried unanimously.**

**J. Consideration of Approval of Lease Agreement between Department of Transportation and Camden County Board of Commissioners for 5311 Program.**

Chairman Rhodes made a motion, seconded by Commissioner Sears to Approve the Lease Agreement between Department of Transportation and Camden County Board of Commissioners for 5311 Program.

**The motion carried unanimously.**

**K. Consideration of Approval of Lori L. Hill Woodard (#R-004-07) for Rezoning of approximately 6.37 acres from Agricultural Forestry (A-F) to Agricultural Residential (A-R) to allow property to be subdivided into two (2) single-family lots located at 373 Latrell Lane. This property is identified on Tax Map #111, Parcel #075E.**

Commissioner Sears made a motion, seconded by Vice-Chair Zell to Approve the request by Lori L. Woodard for Rezoning of approximately 6.37 acres from Agricultural Forestry (A-F) to Agricultural Residential (A-R) to allow property to be subdivided into two (2) single-family lots located at 373 Latrell Lane. This property is identified on Tax Map #111, Parcel #075E.

**The motion carried unanimously.**

- L. Consideration of Approval of Bluegreen Communities of Georgia, Sanctuary River Club (#S-009-07 (F), Phase Two (2) for Final Plat for fifty-eight (58) single-family lots and three (3) tracts located at the Northwest quadrant of I-95 and Dover Bluff Road. This property is identified on Tax Map #111-079 (formerly #125-010).**

Vice-Chair Zell made a motion, seconded by Commissioner Sears to Approve the request by Bluegreen Communities of Georgia, Sanctuary River Club for Final Plat for fifty-eight (58) single-family lots and three (3) tracts located at the Northwest quadrant of I-95 and Dover Bluff Road. This property is identified on Tax Map #111-079 (formerly #125-010).

**The motion carried unanimously.**

- M. Consideration of Approval of Memorandum of Understanding regarding Trusty Program.**

**Commissioner Rainer made a motion, seconded by Vice-Chair Zell to Table this item.**

Commissioner Berry stated that this item should even be tabled and he asked that the minutes reflect his previous comments during the work session.

Discussion:

Commissioner Berry urged the Board of Commissioners to withhold funding for the trustee program until the Sheriff's Office can demonstrate that they can stay within the laws surrounding inmate labor. He stated that the Memorandum of Understanding clearly violates the law.

**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: Personnel**

Commissioner Sears made a motion, seconded by Vice-Chair Zell, and voted unanimously that this Board enter into closed session as allowed by O.C.G.A. § 50-15-4 at 7:32p.m., and pursuant to the advice by the County Attorney, for the purpose of discussing Personnel.

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 Vice-Chair Zell. The vote was unanimous to reconvene the meeting at 8:00 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.

Commissioner Sears made a motion, seconded by Vice-Chair Zell for restructuring as proposed by the Human Resource Department.

Discussion:

Commissioner Rainer stated that he is concerned with the amount of time the employee of this department has before they are terminated. He asked if the time could be extended to thirty (30) days.

**So Voted:**

**Chairman Rhodes- Aye**

**Vice-Chair Zell- Aye**

**Commissioner Rainer- Nay**

**Commissioner Berry- Aye**

**Commissioner Sears- Aye**

**The motion carried 4-1 as amended by Human Resources.**

**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 17 day of July, 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 Personnel. 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   17   day of   July  , 2007  .
- (2) The subject matter of the closed portion of the meeting which was closed for the purposes of discussing   Personnel   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   17   day of   July  , 2007  .

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

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

\_\_\_\_\_  
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

**ADDITIONAL PUBLIC COMMENTS:**

**None.**

**ADJOURNMENT:**

Commissioner Sears made a motion, seconded by Vice-Chair Zell to adjourn the July 17, 2007 meeting. The vote was unanimous to adjourn the meeting at 8:03 p.m.

Respectfully submitted,

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

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