



CLAY COUNTY BOARD OF COMMISSIONERS

Commission Chambers, Fort Gaines, Georgia
Minutes

January 5, 2010
6:30 pm

Public Hearing – Comprehensive Plan

1) Call to Order

Chairman David Shivers called the public hearing to order at 6:30 p.m. In attendance were Chairman David Shivers, Vice-Chairman Barry Waters, Commissioners James Davenport, Radar Fair, Sr., and Walt Killingsworth, River Valley Regional Commission Representative Rick Morris, County Administrator Pam Ward, and County Clerk Adria Williams.

2) Comments on:

The Clay County Board of Commissioners will consider changing the word "discouraged" in the following sentence:

"Manufactured Housing Units will be discouraged" to "Manufactured Housing Units are not allowed".

Comments were given by the following:

Carl Childs- Mr. Childs stated that there is a limited amount of space within reasonable access to the lake and he thinks it should be reserved for stick built or modular not manufactured homes for the benefit of the county.

Vice-Chairman Waters- The Vice-Chairman stated that according to Jim Grubiak, General Counsel of ACCG, there is case law to support the term "discouraged" rather than the suggested change because the Comprehensive Plan language cannot speak court language to bar manufactured or mobile homes. He stated that this may be the reason RVRC changed the wording. Vice-Chairman Waters stated that he had read the language to Mr. Grubiak and his response was that the use of "discourage" is appropriate; the use of barring them completely would be inappropriate as by case law. Vice-Chairman Waters mentioned that the Board might want to refer the matter to the County Attorney.

Chairman Shivers- The Chairman stated that the Comprehensive Plan is not binding but is something that the Board will try to follow.

Ken Penuel- Mr. Penuel stated that the language was originally put in the Comprehensive Plan at behest of the citizens of the county to create an area to increase the tax base for Clay County. He has auctioned off 15 acres of land because it has become surrounded by mobile homes due to the actions of the Board. He does not agree that someone can tell the Board what cannot be placed in Clay County's Ordinance and Comprehensive Plan or what the desires of the county are.

Jamie Wilson- Mr. Wilson asked if the distance was from the lake or the core property line. He felt that the new language would be discriminatory. RVRC Rick Morris showed the area on the County map.

Kenneth Sumpter- Mr. Sumpter stated that during this time of the Comprehensive Plan being adopted or implemented there will be some issues because of grandfathering that will have to be addressed. After a period of time it will be history. The County is going through its change of growth now.

3) Adjourn

There being no further comments, the public hearing adjourned at 6:55 p.m.

David Shivers

David Shivers, Chairman

Date

2-2-10

I HEREBY AFFIRM THAT I AM THE COUNTY CLERK AND THAT THIS IS A TRUE AND CORRECT COPY OF THE JANUARY 5, 2010 PUBLIC HEARING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

Adria Williams

Adria Williams, County Clerk

Date

2-2-2010