



CLAY COUNTY BOARD OF COMMISSIONERS

Commission Chambers, Fort Gaines, Georgia

Minutes

January 19, 2010

1) **Call to Order and Opening Prayer**

Chairman David Shivers called the regular meeting to order at 7:00 p. m. Commissioner Fair gave the opening prayer. Chairman David Shivers, Vice-Chairman Barry Waters, Commissioners James Davenport, Radar Fair, and Walt Killingsworth were in attendance as well as Attorney Bill Mills, Public Works Director Bobby Dupree, Code Enforcer Mitch Ellis, Accounts Payable Clerk Patty Ellis, and County Clerk Adria Williams.

2) **Agenda Approval**

The following items were added to the agenda:

- 8i. EMS Management & Consulting
- 8j. Discussion on Courthouse Repairs

Vice-Chairman Waters motioned to approve the agenda with the additions. Commissioner Fair seconded the motion; motion carried.

3) **Annual Appointments - None**

4) **Presentations before the Board**

- a. Rosheen Cannon and Sam Freeman – Palace Club
The applicants were not in attendance.

5) **Minutes**

- a. December 4, 2009 Grievance Hearing
Vice-Chairman Waters motioned to approve the December 4, 2009 Grievance Hearing minutes to show he voted "no" under paragraph three, last sentence. Commissioner Davenport seconded the motion; motion carried.
- b. January 5, 2010 Public Hearing – Comp Plan
Vice-Chairman Waters motioned to approve the January 5, 2010 Public Hearing minutes. Commissioner Fair seconded the motion; motion carried.
- c. January 5, 2010 Regular Meeting
Vice-Chairman motioned to approve the January 5, 2010 Regular Meeting minutes with changes:
Under 13) Invoices to Be Approved, the last sentence:
"Chairman Shivers stated that in the future he would like for the Board to review the invoices before signing them.", to "Chairman Shivers stated that in the future he would like for the Board to review the invoices before approving them and signing.
Under 12) Comments from the Board, the second paragraph, second sentence:
"He appreciates" to He appreciated.
Commissioner Killingsworth seconded the motion; motion carried.
- d. January 11, 2010 Special Called Meeting
Vice-Chairman Waters motioned to approve the January 11, 2010 Special Called Meeting minutes with changes:
Under 3a) Consulting fees for Pam Ward, the third line:
"He added there had to be a contract.", to "He added there had to be a written contract."
Under 3e) Discussion on video surveillance tape- Dec. 1, 2009, add:
"The Vice-Chairman asked if the tape was "secured". The Chairman stated yes."
Commissioner Killingsworth seconded the motion; motion carried.

6) **Correspondence Requiring Action**

- a. None

7) **Unfinished Business**

- a. Call for Vote on Comprehensive Plan
Chairman Shivers motioned to approve the wording as presented in the January 5, 2010 public hearing. Commissioner Killingsworth seconded the motion. Vice-Chairman Waters, Commissioner Fair and Commissioner Davenport voted nay. Motion failed. The wording remains as "discouraged".

8) **New Business**

- a. Approval of Transit Contract
Vice-Chairman Waters motioned to approve the Transit Contract. Commissioner Fair seconded the motion; motion carried.
- b. Commissioner Report – Comm. Killingsworth's contact report from the Jan. 11th meeting



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Chairman Shivers motioned to ask Pam Ward to come on an as needed basis before her work starts in Alabama at her past rate of pay to help with problems on an advisory basis to be determined by the Chairman or County Clerk. Commissioner Fair seconded the motion. Vice-Chairman Waters voted nay. Motion carried.

b. Discussion on the status of Pop's Gourmet Deli

Mr. Logan received a small business loan through the County's RBEG Loan account. He has apparently closed the store but plans to reopen. The County currently hasn't been receiving the monthly payment due.

Vice-Chairman Waters motioned to have the Attorney to draw up ten day notice. Commissioner Fair seconded the motion. Chairman Shivers, Commissioner Davenport, and Commissioner Killingsworth voted nay. Motion failed.

Chairman Shivers motioned to ask Mr. Logan to be at the February 2, 2010 meeting to explain what he plans to do and for Attorney Mills to be present to explain the Board's options. Commissioner Davenport seconded the motion; motion carried. Motion amended to reflect Attorney Mills notifying Mr. Logan to be present at the Feb. 2, 2010 meeting.

d. Discussion on the Target Area for CDBG

Chairman Shivers motioned to have a public hearing for the CDBG grant water line extensions on Thursday, January 28, 2010 at 6:00 p.m. Commissioner Davenport seconded the motion; motion carried.

e. Discussion on Compliance Issues

Vice-Chairman Waters addressed some of the instances where the Board of Commissioners has allowed violations and non compliance issues state and local law ordinances.

The Open Meetings Act: The Board is responsible to get a summary of the meeting minutes from every meeting conducted within 48 hours. The last summary sent out had motions missing. The Board has consistently been in violation of the Open Meetings Act, Open Records Act, and do not follow the County Ordinance, whether personnel policy or zoning ordinances. He wanted the County Attorney's opinion on the Chairman of the Board signing County documents as of the 15th as a supervisor; a county employee which has not been authorized by the Board. The Chairman asked if the Vice-Chairman would like to substantiate his accusations. The Vice-Chairman replied it would be discussed during the discussion on the County Employee Performance Evaluation.

f. Discussion on County Employee Performance Evaluation

The evaluation was signed by the Chairman as the immediate supervisor. Vice-Chairman Waters stated that this violates Chapter 30, Communications between Commissioners and County Employees. Commissioner Fair motioned for Chairman Shivers to continue signing documents as needed to keep the county moving until we obtain an Administrator. Vice-Chairman Waters seconded the motion; motion carried. No further action taken on the evaluation.

g. Lower Chattahoochee Regional Transportation Authority Resolution

Commissioner Killingsworth motioned to postpone for further information. Commissioner Davenport seconded the motion; motion carried.

h. Discussion on Edmunds Software System

Vice-Chairman Waters motioned for the Board's permission to call Edmunds and postpone paying the bill until the next meeting. Commissioner Davenport seconded the motion; motion carried.

i. EMS Management & Consulting

Vice-Chairman Waters motioned to make Ron Brown representative of EMS Management & Consulting. Commissioner Fair seconded the motion; motion carried. Vice-Chairman Waters motioned to rescind previous motion. Commissioner Davenport seconded the motion; motion carried. Vice-Chairman Waters motioned to authorize EMS Management & Consulting as the billing representative and Ron to sign off. Commissioner Davenport seconded the motion; motion carried.

j. Discussion on Courthouse Repairs

The Courthouse floors are sinking and needs repairing

Vice-Chairman Waters motioned for Trey Crozier to take a look at the floors. Commissioner Davenport seconded the motion; motion carried.

9) **Comments from the Public**

Sam Freeman- Made sure in compliance in reference to closing hours for the Palace Club

Sheila Taylor- 104 Henry Road- Asked if county will do something about her road. The road is not drivable when it rains so she has to find somewhere else to stay. Chairman Shivers, Commissioner Fair, and Public Works Director Bobby Dupree will meet with Ms. Taylor tomorrow morning to inspect her road.

10) **Comments from Department Heads & Constitutional Officers**

Superior Court Clerk Deanna Bertrand asked about the Juvenile Supplemental Fund Savings account needing to be transferred to a Checking account. Commissioner Fair motioned for Chairman Shivers to handle the situation on this one account. Commissioner Davenport seconded the motion; motion carried. Chairman Shivers motioned for Commissioner Killingsworth to counter sign. Commissioner Davenport seconded the motion; motion carried.



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Mrs. Bertrand explained how social security benefits began for county employees.

- 11) **Administrator Comments, Reports & Recommendations**
None
- 12) **Comments from the Board**
None
- 13) **Invoices to Be Approved**
Commissioner Fair motioned to approve the invoices. Commissioner Davenport seconded the motion; motion carried.
- 14) **Consent Agenda**
- 15) **Executive Session (If Needed)**
- 16) **Adjourn**
There being no further business, the regular meeting adjourned at 8:45 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 19, 2010 REGULAR MEETING OF THE CLAY COUNTY BOARD OF COMMISSIONERS.

Adria Williams
Adria Williams, County Clerk

Date 2-2-2010